1898

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FOR HALF YEAR ENDING

30TH JUNE 1898.

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Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 6, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 1, 1898.

INDIAN EMPIRE.

NOTIFICATION.

Fort William, the 1st January 1898.

No. 1-*I. E.*—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that Her Majesty the Queen, Empress of India, has been graciously pleased to make the following appointments to the said Order:

* * * * * * * *

To be Knights Commanders.

The Honourable Baba Khem Singh Bedi, C.I.E., of Kallar in the Ráwalpindi District of the Punjab, a Member of the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations.

To be Companions.

* * * * * * * *

Lieutenant-Colonel David Parkes Masson, V.D., Commandant, Administrative Battalion and 1st Punjab Volunteer Rifles, Honorary Aide-de-Camp to the Viceroy and to the Commander-in-Chief in India, and Joint Honorary Secretary of the Punjab Committee of the Indian Famine Charitable Relief Fund.

* * * * * * * *

By Order of the Grand Master,

W. J. CUNINGHAM,

Secretary to the Most Eminent Order of the Indian Empire.

MILITARY DEPARTMENT.

Fort William, the 1st January 1898.

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 1.—His Excellency the Governor-General of India has been pleased to confer the Volunteers' Decoration upon the undermentioned Officer of the Indian Volunteer Force who have been duly recommended for the same under the Royal Warrant of 24th May 1894 (India Army Circulars of 1894, clause 101) :—

1st Punjab Volunteer Rifles.

Captain William Edwin Browne.

* * * * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 1st January, 1898.

No. 6-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Thakur Raghnath Chand, Chief of Mailog, Simla Hill States, the title of Rana as a personal distinction.

No. 10-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Dewan Bahadur as a personal distinction upon—

Dewan Jowahir Mal, Honorary Magistrate of Bhera in the Shahpur District in the Punjab.

No. 11-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur as a personal distinction upon—

Sayad Ibrahim Ali, Wazir of the Bahawalpur State.

No. 13-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur as a personal distinction upon—

* * * * * * * *

Babu Chandra Nath Mithra, late Superintendent of the Government Educational Press, Punjab.

No. 14-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Bhai Arjan Singh, Extra Assistant Commissioner, in the Punjab, the title of Sardar Bahadur as a personal distinction.

No. 15-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib as a personal distinction upon—

* * * * * * * *

Chaudhri Ghulam Rasul, Honorary Magistrate, Sialkot District in the Punjab.

Hakim Zahir-ud-din, Honorary Magistrate of Delhi.

Kazi Ghulam Muhammad Hassan, Joint Secretary of the Executive Committee of the Charitable Famine Relief Fund, Delhi.

Arbab Farid Khan, Commandant of the Hazara Border Military Police.

* * * * * * * *

No. 17-*I. A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib as a personal distinction upon—

Gusain Het Nand Lal, Honorary Magistrate, Dera Ismail Khan District, in the Punjab.

Lala Sálig Ram, Sub-Engineer, Public Works Department, Punjab.

Lala Lachman Das, Poplai, Extra Judicial Assistant Commissioner in the Punjab.

Lala Sahib Ditta, Dhingra, Assistant Surgeon in the Punjab.

Lala Ram Sukh Das, of Sirsa in the Punjab.

* * * * * * * *

W. J. CUNINGHAM,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

Extract from the Proceedings of the Government of India, in the Department of Revenue and Agriculture,—No. 36—240-5, *dated the* 30*th December* 1897.

READ—

Preliminary Narrative of the Famine in India in 1896-97 by T. W. HOLDERNESS, Esquire, I.C. S., Deputy Secretary (Famine) to the Government of India.

Weather and Crop Reports for the various provinces published in the *Gazette of India*, dated the 1st January 1898.

RESOLUTION.

THE famine which since the close of 1896 has grievously afflicted so large a part of India, is now virtually at an end; and an abundant autumn harvest and conditions favourable to the spring crops have, throughout the greater part of the distressed tracts, once more put the people into good heart. The calamity, in respect of its intensity and of the area and population which it affected, though fortunately not in respect of its duration, has been more severe than any other famine of the century, and probably than any other which Indian history records. The tracts in which distress was acute or severe covered an aggregate area of 270,000 square miles with a population of 50,000,000, while distress of less intensity, but which still amounted to famine, prevailed over a further area of 33,000 square miles, with a population of 13,000,000. Thus the area throughout which relief operations were required was two and-a-half times that of the United Kingdom, while the population for whose relief they were undertaken fell only just short of double the population of Great Britain. And there was probably no part of India in which the poorer classes did not suffer severely from the abnormally high prices which have obtained during the past year.

2. In coping with such a calamity the hands of the Government have been stronger than at any previous period. Since the last famine of comparable magnitude that afflicted the country—that of 1877-78—the irrigated area in which crops are reasonably secure and for which returns exist has increased by 17 per cent., and the area watered from large works constructed by the State from 7 to 10 million acres, while some five million acres are watered from smaller works under Government control. In 1877 less than 9,000 miles of railway were open. In 1897 the mileage exceeded 20,000; and nothing in the experience of the past year has been more striking than the freedom with which grain has passed from place to place in accordance with fluctuations of prices, and the manner in which the prices of food staples have maintained a general level throughout large tracts, in parts of which the harvests have been excellent. The scarcity prices which obtained over considerable areas during former famines have, except for a very short time, over very limited tracts, and under very exceptional circumstances, never even been approached on the present occasion; and while the improvement of communications has probably operated to make high prices more general than they otherwise would have been, it has certainly done much to diminish the intensity of distress where distress was most acute. The experience of the past year has shown that the reserve of food stocks in India is, even when preceding harvests have been unfavourable, larger than could have been foreseen; and the external help that has been afforded amounts to under 700,000 tons, of which 600,000 were rice from Burma. In parts of the country, however, the local reserves were exhausted at an early stage of the scarcity; and the Government of India believe that the readiness with which the demand thus arising was supplied from the resources of other and more favoured tracts, is due in no small measure to the policy of absolute abstention from interference with private enterprise, which, save in the case of very limited areas of which the circumstances were most exceptional, has been scrupulously observed throughout. Nor is it only in material respects that the position has been stronger now than formerly. The experience of previous famines has not been thrown away; and the approach of scarcity found for the first

time an organisation elaborated in readiness for the struggle, and the main principles on which it was to be conducted laid down beforehand. The Famine Codes of the various provinces have been subjected to the severest possible test; it has disclosed in them defects which will now be corrected; but on the whole they have borne the trial well.

3. In the relief of distress and the prevention of death from privation the Government of this country have incurred a direct expenditure of between seven and eight crores of rupees; they have distributed about two crores more in the shape of loans for the construction of wells, far the purchase of seed and bullocks, and for other agricultural purposes; and they have suspended over two crores of land revenue, of which a substantial portion will not be recovered. This public expenditure has been supplemented by private charity of the most splendid nature. Rupees 29,16,000 have been contributed to the Indian Famine Charitable Relief Fund by India itself, Rs. 1,22,51,000 by Great Britain, Rs. 11,23,000 by other British Colonies, of which more than half came from Canada, and Rs. 2,46,000 by Foreign countries, making, in addition to valuable gifts in kind, an aggregate of Rs. 1,65,36,000. The money has been expended in the relief of distress which refused from honourable motives to accept public aid, in supplying additional comforts to the aged, the infirm, and the diseased, in providing for children whom famine has deprived of their natural guardians, and (perhaps most important and most valuable of all) in giving a fresh start in life to those who had lost their means of livelihood in the struggle for existence. The good thus done has been incalculable, and has called forth the deepest gratitude from the inarticulate millions who have benefited by it. Nor do the public subscription lists by any means exhaust the tale of private liberality. Large sums of money have been sent from various parts of the world, especially to Missionary agencies, and have been applied to the relief of distress. In this connection the cargo of grain contributed by charitable persons in America and despatched at the expense of the Government of the United States deserves special mention. Gentlemen, both European and Native, who derive their wealth from the land, have expended large sums in assisting the cultivators of the estates in which they were interested; and throughout the country smaller people have exercised, according to their means, that private charity which so honourably distinguishes the people of India. In all, relief for one day has been given at the expense of Government to 834 million units. In operations of such magnitude, mistakes are inevitable. But the Government of India believe that they were seldom serious, either in their nature or in their extent, and that in all cases they were promptly detected and remedied.

4. No measures of relief, however perfect and extensive, can prevent privation and distress at a time such as the past year has been; and privation and distress, when continued for long months together, must of necessity affect the death-roll, if only by increasing the susceptibility and weakening the power of resistance to disease, and by hastening the decease of those whose natural term was in any case approaching its close. Some of the parts of India in which distress was most acute are inhabited by passive and timorous forest tribes, habitually suspicious of Government interference; some are traversed by the great highways along which enormous numbers of the poorer classes annually pass from province to province in search of that employment which the varying agricultural seasons afford; in some provinces the re-establishment of the normal rainfall has been accompanied or followed, as often in former famines, by a wave of malarial fever. But the Governor-General in Council believes that the task of preserving human life which has for nearly a twelvemonth taxed the energies and the resources of the administration of almost every province in India, has been performed with conspicuous success.

5. No mere expenditure of money, however lavish, could have secured that success, unless accompanied by untiring devotion to duty on the part of those charged with its administration. The functions of the Supreme Government have necessarily been confined to providing the necessary funds when provincial resources were exhausted, and to exercising the most general supervision over the broad principles upon which relief was administered. Upon the heads of the Provincial Governments and their advisers devolved the heavy responsibility of watching the pulse of local distress, of instantly adopting measures varied to suit the varying conditions, and of holding an even balance between the claims of the unfortunate and the duty of public economy. The Governor-General in Council desires to recognise most cordially the manner in which that responsibility has been discharged, and the high sense of duty which has animated those upon whom it fell. Upon the Divisional and District Officers, working in concert with the local officers of the Public Works, Medical, Police, Forest and other Departments, has lain the task of carrying into effect the scheme of relief, the success of which was mainly dependent upon their watchful and active care. It is these officers and their assistants, European and Native, Civil, Military and non-official, who have most literally borne the burden and heat of the day; and some indeed have sacrificed their own

lives in the successful effort to save the lives of others There are many also who hold no official position, who have laboured with assiduity and self-devotion to save life and relieve suffering. All have done their duty nobly under the most trying circumstances; and His Excellency in Council desires publicly to express his admiration of the manner in which their fight to save life has been conducted. It will be found that the customary means of rewarding merit have not been overlooked, but the number of those who can be thus individually distinguished is necessarily small. The knowledge that they have done their duty and have earned the gratitude of the poor and helpless will remain with all who have done good service in the struggle, and His Excellency in Council is anxious to add this recognition of their work, which he is sure that public opinion will emphatically and universally endorse.

6. Finally, the Governor-General in Council desires to express his admiration of the manner in which the people of the country have endured the calamity. When prices rose at the first approach of scarcity, there were a few unimportant cases of local disturbance; and the amount of petty crime has no doubt been generally increased by the prevalence of famine. But as a whole, the inhabitants of the tracts affected have endured the suffering which no efforts either of public or of private charity could do more than mitigate, with a patience and a fortitude that are beyond all praise. The marvellous power of recuperation which the population of India possess has often been the subject of remark; and His Excellency in Council earnestly hopes that within the next few years, favourable seasons will have restored the people to prosperity, and have obliterated at any rate all material traces of what they suffered during the famine of 1897.

---

* Government of Madras.
,, Bombay.
,, Bengal.
,, N.-W. P. & Oudh.
,, Punjab.
,, Burma.
Chief Commissioner, Central Provinces.
Chief Commissioner, Assam.
" Coorg.
" Ajmere-Merwara.
Resident at Hyderabad.

ORDER.—Ordered that copies of the above Resolution be forwarded to the Local Governments and Administrations noted in the margin* for information.

Ordered also, that copies be forwarded to the Finance, Public Works, Home and Foreign Departments for information.

Ordered also, that a copy be published in the *Gazette of India* for general information.

DENZIL IBBETSON,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 28th December 1897.

No. 5373-*F.*—The services of Mr. A. B. Kettlewell, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the date on which he relinquished charge of his duties as Assistant Political Officer, Tochi Field Force.

The 30th December 1897.

No. 5435-*F.*—The services of Mr. R. E. Younghusband, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the date on which he relinquishes charge of his duties as Chief Political Officer with the Tochi Field Force.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 31st December 1897.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 1439.—*Punjab Light Horse.*—James Pagan Dalzell, Gentleman, to be Second-Lieutenant, to complete the establishment.

P. J. MAITLAND, ***Major-General,***

Secretary to the Government of India.

PUBLIC WORKS DFPARTMENT.

NOTIFICATION.

Calcutta, the 30th December 1897.

No. 531.—The services of Major H. F. Chesney, R.E., Executive Engineer, 2nd grade, Punjab, which were temporarily placed at the disposal of the Military Department for employment on Field Service in Public Works Department Notification No. 320, dated 18th August 1897, were replaced at the disposal of the Punjab Government with effect from the afternoon of the 9th August 1897.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 13, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED DECEMBER 25TH, 1897.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

CIRCULAR No. $\frac{20}{291-2}$ F.

Extract from the Proceedings of the Government of India, in the Department of Revenue and Agriculture (Forests): dated Calcutta, the 20th December 1897.

READ the following Regulations for 1898 of the Forest Service Branch in Cooper's Hill College :—

Regulations for the Forest Service Branch of the Royal Indian Engineering College, Cooper's Hill, for 1898.

[Post Town, Staines. Railway Station, Egham. Telegraph Station, Englefield Green.]

STAFF OF THE COLLEGE.*

President, Colonel John Pennycuick, R. E., C. S. I.
Secretary, Lieutenant-Colonel W. J. Boyes.
Bursar, J. P. Pasco, Esq., R. N., Retired.
Chaplain, Rev. H. Bowden-Smith, M.A.

Engineering Branch.

Assistant Professor of Engineering, A. H. Heath, Esq., Assoc. Mem. Inst. C. E.
Professor of Surveying, Major-General E. H. Courtney, R. E.
Instructor in Geometrical Drawing, Arthur Hicks, Esq.
Lecturer in Accounts, J. C. Hurst, Esq.
Instructor in Freehand Drawing, C. B. McElwee, Esq.

*The staff of the College is only given in so far as it concerns the Forest Branch.

Mathematical Branch.

Professor of Applied Mathematics, G. M. Minchin, Esq., M. A., F. R. S.

Professor of Pure Mathematics, A. Lodge, Esq., M. A., Fereday Fellow of St. John's College, Oxon.

Natural Science Branch.

Professor of Chemistry, Herbert McLeod, Esq., F. R. S.

Professor of Physics, W. N. Stocker, Esq., M. A., Fellow of Brasenose College, Oxon.

Lecturer in Geology and Mineralogy, Professor H. G. Seeley, F. R. S.

Forestry Branch.

Principal Pro fessor of Forestry, W. Schlich, C. I. E., Ph.D., late Inspector-General of Fore sts to the Government of India.

Assistant Professor of Forestry, W. R. Fisher, Esq., B. A., late Conservator of Forests, Northern India.

Professor of Botany, C. A. Barber, Esq., M. A.

Lecturer on Entomology, W. F. H. Blandford, Esq., M. A., Fellow of Christ's College, Cambridge.

Lecturer on Chemistry of Soils and Vegetation, A. H. Church, Esq., M. A., F. R. S.

Instructor in German, T. H. Dittel, Esq.

[The arrangements hereinafter described are subject to revision under the orders of the Secretary of State for India.]

1. The Royal Indian Engineering College is primarily maintained, under the orders of the Secretary of State for India in Council, for the education of candidates for the service of Government in the India Public Works, Telegraph, and Forest Departments; but it is open, to the extent of the accommodation available, to all persons desirous of following the course of study pursued in it.

India Forest Department Appointments.

2. The examination, which will be conducted by the Civil Service Commissioners, will be simultaneous with, and (except that German must be taken as an obligatory subject) in the same subjects and papers as, the examination for the Indian Police Department,* which is usually held in June.

Candidates may undergo the written part of their examination in London, Edinburgh, or Dublin, or at any of the provincial centres at which the simultaneous examination of candidates for admission to the Royal Military College, Sandhurst, is to be held. A list of the probable centres may be obtained from the Civil Service Commissioners at any time after March 1898. The oral and practical parts of the examination will be held in London only.

A fee of 2*l*. is required from candidates examined in London, but when the written examination is conducted elsewhere than in London the fee is 3*l*. Candidates examined at a college or school will probably be required to pay a local fee in addition to the fee of 3*l*. (in order to defray the expenses of superintendence), as to which they should obtain early information from the college or school authorities. The fee payable to the Civil Service Commissioners must be paid by means of stamps of the specified amount. Instructions on this point will be issued to candidates about 10 days before the examination.

3. The number of candidates to be selected annually varies according to the requirements of the Forest Service in India; the figures as regards each particular year will be advertised from time to time. *In 1898 there will be six appointments offered for competition.*

4. Candidates for the Indian Forest Department are selected under the following arrangements:—

(1) An applicant must be a natural-born British subject, and must be above 17 and under 20 years of age on the 1st June of the year in which he competes for an appointment. He must be unmarried, and if he marries before reaching India he will forfeit his appointment.

* Candidates may, if qualified, enter for both the Police and the Forest Department. They will, in such case, have to pay the fee due in respect of each examination.

(2) An applicant must send* to the Revenue Department of the India Office, on or before the 1st day of May of the year in which he proposes to compete :—

(*a*) His name and parentage, a certificate or other satisfactory evidence of the date of his birth, and the written consent of parent or guardian that his name should be recorded as a candidate.

(*b*) A statement of the places of education at which he may have been, accompanied by testimonials of good conduct, during the last four years.

(3) Applicants will have to appear before a Medical Board† at the India Office, particular stress being laid upon good vision and hearing.

A physical test will also be imposed, so as to ensure the selection of persons of active habits and powers of endurance.

(4) Applicants who have passed the medical examination and the physical test will be permitted to undergo an examination before the Civil Service Commissioners in the following subjects ‡ (Classes I to III), marks being assigned as follows :—

CLASS I.—OBLIGATORY SUBJECTS.§

Subject	Marks.	
1. Mathematics (lower), *viz.*, Algebra, up to and including the Binomial Theorem ; the theory and the use of Logarithms ; Euclid, Books I to IV and VI ; Plane Trigonometry, up to and including the solution of Triangles ; and Mensuration	2,500	In each of these subjects a candidate must obtain not less than one third of full marks in order to qualify.
2. English composition	1,000	
3. German (400 for colloquial)	2,000	

CLASS II.—OPTIONAL SUBJECTS.

Subject	Marks.	
4. Mathematics (higher), including Analytical Geometry, Conic Sections, Statics, and Dynamics	2,000	A candidate may take any two, but not more than two, of the optional subjects. Under " Optional Subjects" Nos. 9, 10, 11 and 12, the examination will be partly practical.
5. French (400 for colloquial)	2,000	
6. Latin	2,000	
7. Greek	2,000	
‖ 8. English History. There will be set : one general paper ; one paper limited to a fixed period, which will be from the year 1714 to the year 1784 (inclusive) for the examination of 1898 ...	2,000	
9. Botany, *viz.*, the elementary parts of vegetable morphology, histology, and physiology, and the principles of a natural system of classification as illustrated by the more important British natural orders. Candidates will be required to describe plants in technical language. Questions will not be set on vegetable palæontology or on the geographical distribution of plants	2,000	
10. Chemistry, *viz.*, the elements of Inorganic Chemistry ...	2,000	
11. Physics. Elementary properties of Electricity, Magnetism, Heat, Light and Sound	2,000	
12. Physical Geography and Geology, chiefly economic ; including the recognition of the more familiar minerals and rocks, and their properties and uses	2,000	

CLASS III.—ADDITIONAL SUBJECTS.

Subject	Marks.	
13. Freehand Drawing	500	Either or both of these subjects may be taken in addition to the obligatory and the two optional subjects.
14. Geometrical Drawing	300	

* There is no form of application ; the documents specified in paragraph 4 (2), clauses (*a*) and (*b*), should be enclosed in a covering letter addressed to the Secretary, Revenue Department, India Office, London.

† With a view to prevent parents and guardians from incurring the inconvenience and expense of preparing candidates who may be physically unfit for the Forest Service, it is suggested that, before any such preparation is begun, candidates be submitted to examination by the medical adviser of the family, or any other qualified medical practitioner, with regard to the following points :—

1. A weak constitution.
2. Defective vision.
3. Impaired hearing.
4. The existence of any congenital defect.
5. The condition of teeth.

It is to be understood that this private examination is merely suggested to lessen the chances of disappointment, and that it is by no means intended to take the place of, or to influence in any way, the official examination, which is obligatory on all candidates.

On the subject of the standard of eyesight required for the Indian services, a pamphlet has been published, under the authority of the Secretary of State in Council, by Messrs. Churchill and Sons, 11, New Burlington Street.

‡ Reprints of the papers set at previous examinations, together with tables of the marks assigned to the candidates, are published by the Civil Service Commissioners, and can be obtained through any bookseller. The price of each reprint is one shilling.

§ **Attention is invited to the appended Syllabus, giving further details regarding the extent and character of the examination.**

‖ **No special text-books are prescribed.**

(5) The Secretary of State will nominate as probationers such competitors as attain the highest aggregate of marks (provided they obtain the minimum in the obligatory subjects and satisfy the requisite conditions in other respects). These probationers will then enter the College, where they will be further trained for the Forest Service of India.

(6) If the full number of competent probationers required in any year cannot be obtained from the persons so examined, the Secretary of State reserves a discretion to fill up the deficiency by selecting any other person or persons whom, after consulting the authorities of the College, he may consider properly qualified to become probationers for the Forest Service.

5. The course of study for candidates for the India Forest Service extends over about three years. For about seven terms the candidates will prosecute their studies mainly at the College, and during the period of foreign study, which will occupy the remainder of the course, they will visit, under suitable supervision, such Continental forests as may be selected for the purpose. Excursions may also be made for purposes of instruction, both during term time and during part of the vacations.

6. Each annual session begins in September, and is divided into three terms, with vacations of about four weeks at Christmas, two weeks at Easter, and eight weeks in the summer.

7. A charge of 61*l*. is made for each of the seven terms spent at the College; for the period of foreign study the charge is 150*l*.: the amounts must be paid terminally in advance to the Bank of England for the first seven terms, and the amount due for the period of foreign study must be paid before the period begins. Receivable orders, with full directions as to the mode of payment, will be forwarded from the India Office to the parents or guardians shortly before the fees fall due. A student will not be allowed to come into residence or to start for his study of foreign forests until his fee has been paid.

8. A deposit of 5*l*. is required to be paid by each student on admission to the College, as caution money, to cover charges incurred by him for damage to books, instruments, &c., or any College bills outstanding on leaving the College. Any balance over and above such charges will be repaid. This deposit is to be paid with the fee for the first term, making the total payment on that occasion 66*l*.

9. The foregoing payments cover all charges for tuition, board according to the College tariff, lodging, with washing, up to a cost of 2*s*. a week, and ordinary medical attendance while in residence at the College. When students are on tour, and during the course of practical instruction, whether in Great Britain or on the Continent, the Secretary of State will defray the expenses of (1) board, lodging, and washing (the aggregate maximum expenditure under these heads being 10*s*. per diem), (2) travelling expenses, and (3) fees to local Forest officers, &c.

Students are required to provide their own class books and drawing instruments. Drawing paper, drawing boards, and surveying instruments are provided by the College.

10. The prescribed course of study comprises the following subjects :—

I.—Auxiliary Subjects.

1. Geometrical Drawing.
2. Freehand Drawing.
3. Surveying.
4. Forest Engineering.
5. Accounts.
6. German.
7. Mechanics.
8. Physics.
9. Chemistry.
10. Geology and Mineralogy.
11. Entomology.
12. Botany.
13. Drill and Gymnastics.

II.—*Forestry*, theoretical and practical, in all its branches.

11. Every student is required to conform to the College rules, to exhibit due diligence in his studies throughout the course, and to give evidence of satisfactory progress in such manner as may be required; failing which, or in the event of serious misconduct, he will be liable to be removed from the College, or to be sent back from the foreign study, which may entail the loss of his appointment.

12. During the course of study, the proficiency of the students will be tested by periodical examinations, and on the termination of their studies there will be a final examination. Each student may also, at the discretion of the Secretary of State for India, be required from time to time to appear before the Medical Board, and should the result be unsatisfactory he cannot claim to be allowed to complete the course.

13. The subjects enumerated in paragraph 10 are grouped in certain main branches of study,* and a fixed minimum of qualification is required in each branch and in the subjects taught during the forest tours, as well as a certain minimum for all branches taken together. Students who obtain these minima will receive the College diploma in Forestry.

14. Candidates who have obtained this diploma and are found to be of sound constitution and free from physical defects which would render them unsuitable for employment in the Forest Department (the final decision on which points will rest with the Secretary of State for India) will be appointed Assistant Conservators in the Forest Department of India in the order of their standing at the end of the final examination. They will be allowed, before leaving the College, to state their preference in respect to the Provinces to which they desire to be allotted; but the distribution will be made to the several Provinces according to the needs of the public service, at the discretion of the Secretary of State for India after consulting the President of the College. Officers are, however, at all times liable to be transferred from one Province to another at the pleasure of the Government of India.

15. Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State, and will be provided with a free passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

16. The pay of an Assistant Conservator of Forests will begin from the date of reporting arrival in India. Probationers who acquit themselves creditably during their course at Cooper's Hill College will begin on a salary of Rs. 350 a month. It will, however, rest with the President of the College to decide whether any of the probationers, though they have obtained the College diploma in Forestry, have failed to deserve that rate of initial salary. Such probationers, if any, will begin on a salary of Rs. 250 a month; and this difference of salary will continue until the first departmental examination is passed in India. Officers entering the Forest Service will be required to contribute a subscription, ranging from a cumpulsory minimum of 5 per cent. up to a voluntary maximum of 10 per cent. of their salary, to the Forest Officers' Provident Fund. Such contributions, with compound interest, will accumulate till the date of retirement, when the total sum will be paid to the contributor, or in the event of death before retirement to his legal representative.

17. Promotion, leave, and pension will be governed by the regulations laid down by the Government of India and made applicable to Forest Officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. The pension rules applicable to Public Works and Telegraph officers appointed from Cooper's Hill College have been extended to Forest Officers appointed from England; and the Inspector-General of Forests and Conservators of the 1st Grade are now eligible for the extra pension of Rs. 1,000 per annum admissible to an officer after at least three years of approved service as head of a department in any Province, if considered deserving of the special concession. A copy of the Regulations relative to these matters can be seen on application either at the Library or the Record Department of the India Office; the principal rules are contained in the Abstract of the Civil Service Regulations, as given in the "India List and India Office List" published by Messrs. Harrison and Sons, 59, Pall Mall, London, which can be procured through any bookseller.

18. Every candidate, before proceeding to India, will be required to furnish to the President of the College satisfactory evidence of his competency in riding.

GENERAL RULES.

19. Chemical, physical, and botanical laboratories, a forestry museum, a forest nursery, a library, and gymnasium are attached to the College. Means are also provided for the practice of photography. Students making use of the laboratories are supplied with the needful apparatus.

20. The responsibility for the discipline and management of the College and for the superintendence of the studies is invested in the President, under the control of the Secretary of State for India.

21. The students are distributed in divisions, under personal charge of one of the Professors or Instructors selected by the President; such tutor being responsible for exercising the proper degree of personal supervision over each student in his division, and for conducting necessary correspondence with the student's parents or guardians.

* For details *see* Royal Indian Engineering College Calendar.

22. Each student residing in the College is provided with a separate room, and with fuel and light, also with the necessary attendance. Furniture and bedding are supplied by the College, but students are required to provide their own towels and bed linen. Meals are taken in hall. Wine and beer are not included in the ordinary fare, but can be obtained from the College cellar at fixed prices.

23. A chapel is attached to the College, which the students residing in the College are expected to attend, unless specially exempted.

24. Every student will be required to go through a course of gymnastics and also of military exercises, including the use of the rifle.

25. Students are required to wear academical dress, under such regulations as may be prescribed from time to time.

Students not nominated for the Indian Forest Service, but desirous of obtaining a Diploma in Forestry from Cooper's Hill College.

26. Students not nominated for the Indian Forest Service may be received into the College, as far as the available accommodation permits. Such students may pass through the course of instruction prescribed for the nominees of the Indian Forest Service, as detailed above, or they may be permitted to participate in the instruction given in certain subjects only. On attaining the prescribed minima of marks in the several branches of study and in totals as laid down above, they will receive, as the case may require, either the College Diploma in Forestry or special certificates showing in what subjects they have followed the instruction and with what result.

27. Candidates who desire to be admitted under paragraph 26 may submit the necessary application at any time, but not later than the 15th day of June of the year named for admission, except with the special permission of the President. The application must be made on the prescribed forms, which can be obtained from the Secretary of the College.

28. Candidates whose applications are found satisfactory as to character and in other respects will be required to undergo an examination, to be held at the College, about the last week in June of the year for admission. The object of the examination will be to ascertain whether the candidate is qualified to follow the course of instruction with advantage (or certain parts of it, as the case may be). Candidates who do not come up to the required standard will not be admitted to the College.

The President may dispense with the whole or any portion of this examination in the case of a candidate who produces an University Diploma, or other similar certificate granted by a recognized examining body.

29. Candidates admitted to the College under paragraph 26, who propose to pass through the full prescribed course of study, will be required to pay the same fees in every respect as those paid by the nominees for the India Forest Service. Candidates who do not become resident, and are admitted only to certain subjects of study, will be required to pay the fees which may be fixed in each special case in consideration of the extent of their studies. The candidates of both classes will be required to abide by the general rules of the College.

India Office, October 1897.

FOREST EXAMINATION.

SYLLABUS.

CLASS I.

Mathematics.—The extent of the Examination will be as follows :—

(*a*) Algebra, up to and including the binomial theorem ; the theory and use of Logarithms.

(*b*) Euclid, Books I to IV and VI.

(*c*) Plane Trigonometry, up to and including solution of triangles, and Mensuration.

English Composition.—The standard of positive merit will be looked for in logical arrangement of thought, and in accuracy and propriety of expression, but large deductions of marks will be made for faults of writing and spelling.

Candidates are also warned that, for similar faults in the use of the English language, similar deductions will be made from the marks obtained in the German papers in Class I.

German.—There will be translations of unseen passages from German into English, and from English into German; the passages for translation will be taken, mainly, from standard authors, and a few simple questions may be asked, on the passages set, as to the structure and character of the language and allusions of obvious and general interest. The *vivâ voce* Examination will include Dictation.

CLASS II.

Any two Subjects may be taken up.

Higher Mathematics.—

*** In all the following subjects great importance will be attached to accuracy in numerical results.

Further questions and problems on the subjects of the Examination in Mathematics, Class I.

And in addition :—

Statics: The equilibrium of forces acting in one plane and of parallel forces, the centre of gravity, the mechanical powers, and friction. (The graphical or geometrical method of treating such problems should be studied as well as the analytical. No application of the differential calculus to statics will be required.)

Dynamics: Uniform, uniformly accelerated, and uniform circular motion, falling bodies and projectiles *in vacuo*, collisions and work. (Analytical methods of solution, but not the use of the differential calculus, will be involved.)

Analytical Geometry: Problems on straight line and circle.

Conic Sections: Elementary properties, with easy problems both on the analytical and geometrical methods.

French.—The passages for translation will be taken mainly from standard authors, and in other respects the Examination will proceed on the same lines as in German.

Latin.—Passages selected from the authors usually read in schools will be set for translation into English. Passages from English authors will be given for translation into Latin prose and verse; but candidates will be allowed, in the place of verse composition, to answer questions of a simple character which will test whether they possess a fundamental knowledge of the grammar of the language, and such an elementary acquaintance with Roman History as is required for the intelligent study of the books they have read.

Greek.—Passages will be set for translation into English from the authors usually read in schools, and in other respects the Examination will proceed on the same lines as in Latin.

English History.—The General Paper in this subject will test whether the candidates are accurately acquainted with the facts of English History, and also possess an intelligent knowledge of the meaning of the facts. The paper on the fixed period will, of course, require from the candidates more minute knowledge than the General Paper.

Botany, Chemistry, Physics, Physical Geography, and Geology.—The standard of Examination in these subjects will be such as may be reasonably expected from the education given at schools possessing appliances for practical instruction, such as a laboratory, etc. A considerable portion of the marks will be allotted for the proficiency shown in the practical part of the Examination.

Chemistry will be limited to elements of inorganic chemistry.

Physics will include elementary properties of electricity, magnetism, heat, light, and sound.

Geology, chiefly economic, including the recognition of the more familiar minerals and rocks, and their properties and uses.

CLASS III.

Both subjects may be taken up.

Drawing, Freehand.

Drawing, Geometrical.

GENERAL.

Handwriting.—In estimating the papers of candidates, a limited number of marks, namely 100 out of the maximum allotted to each subject, is assigned for hand-writing.

Bengal.	Assam.
N.-W. P. & Oudh.	Coorg.
Punjab.	Ajmere.
Burma.	Andamans.
Central Provinces.	Baluchistán.
	Hyderabad.

ORDER.—Ordered that a copy be forwarded, for information, to the Governments of Madras and Bombay, the Local Governments and Administrations noted in the margin, the Inspector-General of Forests, and the Comptroller and Auditor-General.

Ordered, also, that these papers be published in the Supplement to the *Gazette of India.*

[True Extract.]

DENZIL IBBETSON,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JANUARY 8, 1898.

FINANCE AND COMMERCE DEPARTMENT.

RESOLUTION.

PENSIONS, ETC.

Calcutta, the 7th January 1898.

No. 89-*P.*

READ the following correspondence :—

Financial Resolution No. 1725, dated the 5th December 1883.

Letter to the Di ector General of the Post Office of India, No. 6745, dated the 31st December 1887.

Despatch to Her Majesty's Secretary of State for India, No. 253, dated the 3rd September 1895.

Despatch from Her Majesty's Secretary of State for India, No. 180 (Financial), dated the 31st October 1895.

RESOLUTION.—In the Resolution of the 5th of December 1883 read in the preamble, the Government of India, with the approval of the Secretary of State for India, sanctioned, as an experimental measure, the introduction, with effect from the 1st of February 1884, of a scheme for Life Insurance and Monthly Allowances to be worked by the agency of the Post Office, and confined to the employés of that Department; and in the letter of the 31st December 1887, the scheme was, with the sanction of the Secretary of State for India, extended to the employés of the Telegraph Department.

2. In making these limited recommendations the Government of India informed the Secretary of State that, although the scheme was restricted at the outset to Postal employés, the eventual inclusion of all Government servants was contemplated. But, as the statistics regarding the expectation of native life were then too imperfect to permit of any very extended scheme of Life Assurance, and as the Secretary of State was of opinion that until the Fund had been in operation for at least ten years it would be difficult to form a definite opinion regarding the probability of its eventual success, its operations were confined to the employés of those two Departments only.

3. In the Despatch to the Secretary of State of the 3rd September 1895, the Government of India observed that the scheme had been in operation for eleven years; that it had worked well; that the financial position of the Fund was sound and improving; and that they were of opinion that the time had now arrived when a further

development might be attempted with safety and advantage, by extending the scheme to other Departments of the Government service. They accordingly proposed (1) that the scheme should be extended to the members of all the Government establishments whose pay is audited in the Civil Account offices and to those members of establishments of the Military Department under audit of the Military Account offices who are subject to Civil Rules, and (2) that to the advantages already allowed by the scheme should be added a system of Endowment Assurance, which they considered to be specially suitable for Government servants who have to retire at a certain age upon a pension considerably less than the pay they have drawn up to that age.

4. These proposals having been sanctioned by the Secretary of State, the Governor-General in Council is pleased to direct that, with effect from the 1st of February 1898, all Government servants whose pay is audited by the Civil or Military Account Department, and who are subject to the Civil Rules, shall be eligible to subscribe to the Postal Life Insurance, Endowment Assurance and Monthly Allowances Fund, in accordance with the Rules, approved by the Government of India, which will be issued by the Director-General of the Post Office.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* for general information.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 1st January 1898.

VOLUNTEERS.

MEDALS AND DECORATIONS.

No. 1.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' decoration upon the undermentioned officers of the Indian Volunteer Force, who have been duly recommended for the same under the Royal Warrant of 24th May 1894 (India Army Circulars of 1894, clause 101) :—

1st Punjab Volunteer Rifles.

Captain William Edwin Browne.

* * * * * * *

P. J. MAITLAND, *Major General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 4th January 1898.

No. 2.—Mr. J. S. Beresford, Chief Engineer and Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch, is appointed to officiate as Inspector-General of Irrigation and Joint Secretary to the Government of India in the Public Works Department during the absence of Mr. T. Higham, C.I.E., on deputation, or until further orders.

T. GRACEY, *Colonel, R. E.,*

Secretary to the Government of India.

department might be attended with [illegible] advantages, by [illegible] to other Departments of the [illegible] service. [illegible] scheme should be [illegible] pay is audited in the Civil Account [illegible] Military Department under audit of the [illegible] Civil Audit, and (c) [illegible] to the advantages [illegible] system of Endowment Assurance which [illegible] Government servants who have [illegible] less than the pay they [illegible]

2. [illegible] proposals having [illegible] Governor General in Council [illegible] February 1885, [illegible] Account Department and [illegible] the Civil [illegible] subscribing [illegible] made in accordance with the Rules [illegible] issued by the Director General of the Post Office.

[illegible]

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* for general information.

[illegible]

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the [illegible] January 1885.

VOLUNTEERS.

MEDALS AND DECORATIONS.

No. [illegible].—Her Majesty the Queen [illegible] the following [illegible] who have been duly recommended [illegible] with [illegible] Volunteer Officers' Decoration [illegible]

1st Punjab Volunteer [illegible]

Captain William Edward Brown.

* * * * * * * *

[illegible]

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the [illegible] January 1885.

No. [illegible].—Mr. I. S. Beresford, Chief Engineer and Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch, [illegible] Inspector General of Irrigation and Joint Secretary [illegible] Public Works Department during the absence [illegible] or until further orders.

[illegible]

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 20, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 15, 1898.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Calcutta, the 13th January 1898.

No. 70.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Thánesar in the Punjab if pilgrims from the Bombay Presidency (excluding Sind) are permitted to visit Thánesar on the occasion of the fair which is fixed to be held there on and about the 22nd January next;

In exercise of the powers conferred by Section 2, sub-section (1) of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to any station between Umballa Cantonment and Karnál (both inclusive) on the Delhi-Umballa-Kálka Railway, and to any station between Umballa City and Sahάranpur (both inclusive) on the North-Western Railway shall be sold within the Bombay Presidency (excluding Sind) from the date of the issue of this Notification until the 1st day of February next, to any pilgrim or other person intending, or believed to be intending, to go on pilgrimage to the Thánesar Fair.

J. P. HEWETT,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.
CUSTOMS.

Calcutta, the 11th January 1898.

No. 159-*S. R.*—In exercise of the power conferred by Section 23 of the Sea Customs Act (VIII of 1878), the Governor-General in Council is pleased to direct that the duty of five per cent. *ad valorem,* leviable under No. 13 of Schedule IV of the Indian Tariff Act (VIII of 1894), as amended by Acts XVI of 1894 and III of 1896, on lever-boxes when not imported for a railway as defined in No. 93 of the schedule, shall be reduced to one per cent. *ad valorem.*

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 14th January 1898.

LONDON GAZETTE.

No. 35.—The following extracts are published for general information :—

"London Gazette," dated the 21*st December* 1897, *pages* 7649 *to* 7651.

WAR OFFICE, PALL MALL,

21*st December* 1897.

* * * * * * * *

INDIAN ARMY.

India Office, 21*st December* 1897.

The Queen has approved of the following promotions among the officers of the * * Indian Medical Service * * made by the Government of India :—

INDIAN MEDICAL SERVICE.

Surgeon-Captains to be Surgeon-Majors.

Dated 1st October 1897.

BENGAL ESTABLISHMENT.

* * * * * * * *

Joseph Rosamond Adie.

* * * * * * * *

VOLUNTEER CORPS.

PROMOTIONS.

No. 50.—2*nd Punjab* (*Simla*) *Volunteer Rifles*—

Major Edward Jean Chanter, V. D., is granted the Honorary rank of Lieutenant-Colonel.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 10th January 1898.

No. 8.—The services of Lieutenant C. P. Gunter, R. E., Assistant Engineer, 3rd grade, Punjab, are temporarily placed at the disposal of the Military Department for employment on Field Service.

The 13th January 1898.

No. 13.—It is hereby notified that, subject to the conditions laid down in Rule IV of Public Works Department Resolution No. 36 A. E., dated the 9th February 1893, published in Notification No. 55 of the same date, one vacancy in the Superior Accounts Branch of the Public Works Department will be open to competition at the next examination for admission into that branch of the service.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 27, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 22, 1898.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 21st January 1898.

No. 1790, dated the 30th October 1891.
No. 964, dated the 13th July 1893.
No. 802, dated the 1st May 1896.

No. 65.—The following amendments in the rules regarding the submission of petitions to the Government of India, promulgated with Home Department Notification No. 1812, dated the 11th October 1889, as amended by the Notifications marginally noted, are published for general information :—

(1) For note 1 of the preamble substitute the following :—

NOTE 1.—In these rules the words Local Government include a Local Administration, the Commander-in-Chief in India, and a Lieutenant-General Commanding the Forces; and also, except as regards Rule 3 (7), Section III, the head of a Department directly under the Government of India.

(2) In section II add the following rule as rule 4 :—

No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service unless it is submitted by the officer himself.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FORESTS.

Calcutta, the 20th January 1898.

No. 55-*F.*—207-12.—The following transfers are ordered in the interests of the public service:—

(i) Mr. J. L. Pigot, Deputy Conservator, 2nd Grade, Assam—to Coorg. (The appointment held by Mr. Pigot on the Assam list is also transferred temporarily with him to Coorg, with effect from the 23rd December 1897.)

(ii) Mr. A. E. Lowrie, Deputy Conservator, 3rd Grade (provisional substantive), Coorg—to Central Provinces.

(iii) Mr. A. M. F. Caccia, Deputy Conservator, 4th Grade, Central Provinces—to Burma.

(iv) Mr. A. M. Long, Assistant Conservator, 1st Grade, Assam—to Central Provinces.

(v) Mr. F. Linnell, Assistant Conservator, 1st Grade, Central Provinces—to Burma.

DENZIL IBBETSON,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 17th January 1898.

No. 313-*F.*—The services of Captain F. J. H. Barton, Commandant of the Khaibar Rifles (sub. *pro tem.*), are replaced at the disposal of the Government of the Punjab, with effect from the date of relinquishing charge of his political duties with the Tirah Expeditionary Force.

The 19th January 1898.

No. 350-*F.*—Whereas the Governor-General in Council has power and jurisdiction within the territory of Kurram. In exercise of such jurisdiction and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to add the offence of mischief by fire or any explosive substance to the list of offences published in the Notification of the Government of India in the Foreign Department, No. 1808-F., dated the 14th August 1894.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

MINT.

Calcutta, the 21st January 1898.

No. 338-*A.*—Whereas Her Majesty's Secretary of State for India has consented to hold in gold coin or gold bullion such amount as he may determine to be equivalent in value to the notes to be issued under this Order, for the purposes and on the terms and conditions mentioned in section 2 of the Indian Paper Currency Act, 1898, the Governor-General in Council is pleased, in exercise of the powers conferred by the Indian Paper Currency Act, 1882, as amended by the Indian Paper Currency Act, 1898, to direct

that the Head Commissioner of Paper Currency, the Commissioner of Paper Currency, Madras, and the Commissioner of Paper Currency, Bombay, shall issue Currency Notes on the security of gold coin or bullion held by Her Majesty's Secretary of State for India to the amounts which the Secretary of State may from time to time advise.

Notes will be issued under this Order at the rate of one Government rupee for 7·53344 grains of fine gold with the addition of such further quantity of fine good as the Secretary of State shall, from time to time, determine to be sufficient to cover all costs and charges incidental to the transmission of gold to India. Sovereigns and half sovereigns of current weight coined at any authorised Royal Mint in England or Australia will be reckoned as containing 113·0016 grains of fine gold and 56·5008 grains of fine gold respectively.

J. F. FINLAY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 21st January 1898.

VOLUNTEER CORPS.

APPOINTMENTS AND RESIGNATIONS.

* * * † * *

No. 76.—*1st Punjab Volunteer Rifles.*—In G. G. O. No. 1075 of 1897 *for* "Albert Ernest Fox" *read* "Alfred Ernest Fox."

No. 79.—*North-Western Railway Volunteer Rifles.*—Second Lieutenant F. Reilly resigns his commission, with effect from the 7th December 1897.

* * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th January 1898.

No. 24.—With reference to Public Works Department Notification No. 2, dated the 4th January 1898, Mr. S. Preston, Superintending Engineer, 1st class, temporary rank, Punjab, is appointed to officiate as Chief Engineer and Secretary to the Government in the Public Works Department, Irrigation Branch, with effect from the forenoon of the 10th January 1898.

J. S. BERESFORD,
Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 3, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 29, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 26th January 1898.

No. 57.—The services of Surgeon-Major J. Clarke, M. D., M. CH., F. R. C. S. I., Indian Medical Service (Bengal), are placed permanently at the disposal of the Government of the Punjab, with effect from the 31st August 1896.

ECCLESIASTICAL.

The 24th January 1898.

No. 34.—The services of the Reverend R. H. Stevenson, Assistant Chaplain, Church of Scotland, Sialkot, are placed temporarily at the disposal of the Military Department for employment with the Malakand Field Force.

J. P. HEWETT,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.
CUSTOMS.

Calcutta, the 24th January 1898.

No. 397 *S. R.*—In exercise of the powers conferred by Section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to exempt from the whole of the duties of customs leviable thereon under No 70 of Schedule IV of the Indian Tariff Act, 1894 (VIII of 1894), as amended by Act III of 1896, saddlery of a military pattern imported by an officer of Her Majesty's Regular Forces and forming part of the equipment with which he is required to supply himself under Army Regulations.

J. F. FINLAY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 28th January 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 105—2nd *Punjab (Simla) Volunteer Rifles*—

Colonel Sir William Bisset, K. C. I. E., R. E., Commandant, resigns his appointment with effect from the 13th December 1897, on transfer to the supernumerary list.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 10, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 5, 1898.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 1st February 1898.

No. 642-*F.*—The services of the undermentioned officers are replaced at the disposal of the Government of the Punjab, with effect from the 22nd January 1898:—

Mr. C. E. F. Bunbury, of the Indian Civil Service, Deputy Commissioner of Peshâwar.

Lieutenant C. P. Down, Indian Staff Corps, Assistant Commissioner in charge of the Yusafzai Sub-Division of the Peshâwar District.

W. J. CUNINGHAM,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 17, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 12, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

ECCLESIASTICAL.

Calcutta, the 11th February 1898.

No. 71.—The services of the Reverend C. P. C. Nugent, a Chaplain on the Ecclesiastical Establishment, now on privilege leave, are placed at the disposal of the Government of the Punjab for permanent employment in the Lahore Diocese.

EDUCATION.

The 10th February 1898.

No. 45.—The services of Mr. S. Robson, of the Indian Educational Service, are placed at the disposal of the Government of the Punjab for employment as Principal of the Government College, Lahore.

J. P. HEWETT,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 11th February 1898.

VOLUNTEER CORPS.

MEDALS.

No. 171.—The undermentioned members of the Volunteer Force are granted the volunteer long service medal under the provisions of clause 152, India Army Circulars of 1895:—

* * * * *

1st Punjab Volunteer Rifles.

Volunteer M. Paul.

2nd Punjab (Simla) Volunteer Rifles.

Corporal C. H. Law.
Volunteer A. S. Davies.
Volunteer J. W. Lowrie.

* * * * *

North-Western Railway Volunteer Rifles.

Color-Sergeant J. N. Gereson.
Sergeant P. R. O. Mills.
Corporal P. W. Goldie.
Volunteer W. Bradd.
Volunteer C. P. Hughes.

* * * * *

P. J. MAITLAND, ***Major-General,***
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 5th February 1898.

No. 48 —Mr G. M. R. Field, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the forenoon of the 10th January 1898.

The 8th February 1898.

No. 59.—With reference to Public Works Department Notification No. 452, dated the 29th October 1897, the services of Captain R. S. Maclagan, R. E., Executive Engineer, 2nd Grade, are replaced at the disposal of the Government of the Punjab, with effect from the 1st January 1898.

J. S. BERESFORD,
Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 24, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 19, 1898.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Calcutta, the 18th February 1898.

No. 330.—In exercise of the powers conferred by section 2, sub-section (1) of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that, in the Notification of the Government of India in the Home Department, No. 1033, dated the 22nd March 1897, as amended by Notification No. 2126, dated the 15th September 1897, for the words "rags, waste paper, and used gunny bags" the words "rags and waste papers" shall be substituted.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 17th February 1898.

No. 352—143-3.—The following Proclamation which has been forwarded to the Government of India by the Government of South Australia is published for general information.

J. B. FULLER,

Offg. Secretary to the Government of India.

FOR PREVENTING THE INTRODUCTION OF RINDERPEST FROM INDIA.

SOUTH AUSTRALIA, *to wit.* } *Proclamation by His Excellency the Governor.*

(*L.S.*) T. F. BUXTON.

By virtue of the provisions of "The Stock Diseases Act, 1888," I, the Governor, with the advice and consent of the Executive Council, for the purpose of preventing the introduction into South Australia of the disease in cattle known as rinderpest or cattle plague, do hereby prohibit, for a period of two years, the importation or introduction into South Australia from India of cattle, sheep, camels, goats, deer, the carcass of any stock, the whole or any part of the wool, skin, hide, bones, hair, horns, hoofs, or other portion of the carcass of any stock, and hay, straw, litter, manure, and fittings: And I declare that all cattle, sheep, camels, goats, deer, the carcass of any stock, or any part thereof, and all fodder and fittings (except returned fodder and fittings, to be dealt with as hereinafter mentioned), if brought to any port in South Australia contrary to this proclamation, may be seized by an inspector and forfeited and destroyed, or otherwise disposed of as the Commissioner of Crown Lands may direct: And I also declare that all returned fodder and fittings shipped in connection with horses exported from Australia to India may be admitted into South Australia on a permit by the Chief Inspector of Stock after such treatment or disinfection as he may direct, but not otherwise: And I direct that this proclamation shall take effect from the day of the publication thereof in the *Government Gazette*.

Given under my hand and the public seal of South Australia, at Adelaide, this tenth day of November, one thousand eight hundred and ninety-seven.

By command,

S. & B., 486-97.

J. V. O'LOGHLIN,

Chief Secretary.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 15th February 1898.

No. 69—With reference to Public Works Department Notification No. 243, dated the 23rd June 1897, the services of Lieutenant A. A. Crookshank, R. E., Assistant Engineer, 3rd grade, are replaced at the disposal of the Government of the Punjab.

No. 70.—Mr. A. B. Phelan, Superintending Engineer, 3rd class, temporary rank, Punjab, is confirmed in that class, with effect from the forenoon of the 9th November 1897.

No. 71.—With reference to Public Works Department Code, Volume I, Chapter II, paragraph 85, and Notification No. 13, dated the 13th January 1898, it is hereby notified that the Entrance Examination qualifying for admission to the Superior Accounts Branch of the Public Works Department will be held this year on the 20th of June and four following days.

No. 72.—Mr. L. F. Maclean, C.I.E., Executive Engineer, 1st grade, Punjab (since deceased), officiated as a Superintending Engineer from the 8th to 12th November 1897, both days inclusive.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 3, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 26, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 24th February 1898.

No. 121.—The services of the Honourable Mr. Charles Montgomery Rivaz, C.S.I., of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the 19th instant.

EXAMINATION.

The 24th February 1898.

No. 72.—The following list shows the names of selected candidates, and the marks obtained by them in each subject at the recent examination for clerkships in the Lower

Division of the Secretariat Offices of the Government of India and the Departments directly attached thereto :—

No.	Names of candidates in order of merit.	Date of birth.	Date on which the candidate will attain the age of 25 years	English Composition (Essay-writing and Drafting). 100	Précis-writing. 100	History (English and Indian). 50	Geography. 50	Elementary Mathematics. 50	Total. 350	Office in which the candidate elects to serve.
1	D. Clarke ...	1st May 1875	1st May 1900	71	52	38	38	47	246	Any of the Secretariat Offices.
2	Chandra Nath Chakrabarti.	5th September 1874.	5th September 1899.	71	37	21	25	33	187	Ditto.
3	Hemanta Kumar Sanyal.	25th November 1873.	25th November 1898.	85	32	...	20	44	181	Finance and Commerce Department.
4	Purna Chandra Mukerjee.	10th October 1874.	10th October 1899.	61	33	25	21	40	180	Military or Home Department.
5	Kshetra Mohan Singha.	22nd August 1875.	22nd August 1900.	61	37	22	15	38	173	Home Department or Finance and Commerce Department.
6	T. G. Prince ...	8th December 1879.	8th December 1904.	33	42	22	30	40	167	Office of the Northern India Salt Revenue Department.
7	Muhammad Hussain Khan.	10th November 1875.	10th November 1900.	39	48	13	...	31	131	Home, Military or Legislative Department.
8	Nathoo Lal ...	1st March 1877	1st March 1902	26	33	14	18	32	123	Any of the Secretariat Offices.
9	Janki Parshad Gupta	24th December 1874.	24th December 1899.	25	35	...	19	30	109	Home or Finance and Commerce Department.
10	Niaz Ahmed ...	1st August 1876.	1st August 1901.	43	27	...	11	23	104	...

MEDICAL.

The 24th February 1898.

No. 215.—The services of Surgeon-Lieutenant H. J. Walton, M.B., F.R.C.S., Indian Medical Service (Bengal), are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the 12th January 1898.

ECCLESIASTICAL.

The 24th February 1898.

No. 85.—The services of the Reverend F. J. Montgomery are replaced at the disposal of the Government of the Punjab.

J. P. HEWETT,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 24th February 1898.

No. 546-*I. A.*—In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act, 1897 (III of 1897), the Governor-General in Council is pleased to direct that, in the Notification of the Government of India, in the Foreign Department, No. 1234-I. A., dated the 3rd April 1897, as amended by Notification No. 3582-I.A., dated the 21st September 1897, for the words "rags, waste paper, and used gunny bags" the words "rags and waste paper" shall be substituted.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 25th February 1898.

CANTONMENTS.

TAXATION.

No. 215.—In exercise of the powers conferred by Section 20 of the Cantonments Act 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that for paragraph 3 (*a*) of the Notification of the Government of India in the Military Department, No. 827, dated the 31st August 1894, the following shall be substituted, namely :—

"(*a*) The expression 'tax on buildings' shall be deemed to include—

(1) every tax imposed on a building, whether jointly with any land or as forming part of a holding or otherwise ;

(2) every tax imposed on the rental of a building or holding ; and

(3) the whole of every consolidated tax imposed for general or mixed purposes ;

but it shall not include—

(4) any tax separately imposed for any service which continues whether a building is occupied or unoccupied or

(5) such portion of a consolidated tax as the cantonment authority, with the sanction of the General Officer Commanding the District, may declare to be deemed to have been imposed for any such service as aforesaid.".

P. J. MAITLAND, ***Major-General,***

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 10, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 5TH, 1898.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 3rd March 1898.

No. 435-*E. A.*—In exercise of the powers conferred by Section 6 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and in supersession of the Notification of the Government of India in the Foreign Department, No 1806-E. A., dated the 1st December 1897, the Governor-General in Council is pleased to appoint Lieutenant C. B. Winter, Assistant Political Agent, Sinjawi and the Railway District, to be a Justice of the Peace within and for the territories administered by the Agent to the Governor-General in Baluchistan as such agent, and to direct that the Chief Court of the Punjab shall be the Court to which the said Justice of the Peace shall commit European British subjects for trial.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 4th March 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 261.—*North-Western Railway Volunteer Rifles*—

Alfred Rowley Hill, Gentleman, to be Second-Lieutenant, with effect from the 8th December 1897, *vice* Reilly, resigned.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 28th February 1898.

No. 86.—The Governor-General in Council is pleased to order the following promotions and reversions to and in the classes of Chief and Superintending Engineers with effect from the dates specified :—

Names.	From	To	Nature of Promotion.	With effect from	
				1898.	
*	*	*	*	*	
Dempster, J. I. R. ...	Superintending Engineer, 2nd Class, temporary rank.	Superintending Engineer, 2nd Class.	Sub. *pro tem* ..	January 26.	
*	*	*	*	*	

The 4th March 1898.

No. 95.—Mr. W. P. Brodie, Executive Engineer, 1st Grade, Punjab, officiated as a Superintending Engineer from the forenoon of the 17th November 1897 to the afternoon of the 18th February 1898.

No. 96.—Mr. R. G. Kennedy, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with temporary rank in the 3rd Class, with effect from the forenoon of the 19th February 1898.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 17, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 12TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 11th March 1898.

No. 181.—Mr. E. B. Steedman has been permitted to resign Her Majesty's Indian Civil Service, with effect from the 1st March 1898.

SANITARY.

The 9th March 1898.

No. 490.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic diseases at Dehra in the Dehra Dun District of the North-Western Provinces, if pilgrims or other persons from certain portions of the Jullundur and Hoshiárpur Districts, in the Punjab, are permitted to assemble at Dehra on the occasion of the Jharuda Mela which will be held at that place on the 12th March 1898;

In exercise of the powers conferred by Section 2, sub-section (1) of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to Lhaksar, Pathri, Jawalapur or Hardwar, shall be sold from the 9th to the 12th March 1898 (both days inclusive) at any of the railway stations of Jullundur City, Jullundur Cantonment, Chiheru, Phagwára, Goraya, Phillour, Ladhoval or Ludhiána to any pilgrims or other persons intending, or believed to be intending, to go on pilgrimage to the Jharuda Mela.

ECCLESIASTICAL.

The 8th March 1898.

No. 110.—The Reverend T. Scott, Chaplain of the Church of Scotland, on the Bengal Establishment, is appointed to officiate as Senior Chaplain of the Church of Scotland during the absence on leave of the Reverend J. Taylor, or until further orders.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 11th March 1898.

No. 510—21-5.—The services of Veterinary-Lieutenant H. P. Turnbull are replaced at the disposal of the Military Department, with effect from the date on which he may be relieved of his duties as Superintendent, Civil Veterinary Department, North Punjab.

J. B. FULLER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS.

Calcutta, the 9th March 1898.

No. 1187-*S. R.*—In exercise of the power conferred by Section 22 of the Sea Customs Act, VIII of 1878, and in supersession of the values fixed in columns 3 and 4 of Schedule IV (Import Tariff) of the Indian Tariff Act, VIII of 1894, as amended by Acts XVI of 1894, and III of 1896, for the articles specified in column 1 of the schedule hereto annexed, the Governor-General in Council is pleased to fix for the said articles the value stated in column 4 of the said schedule :—

No. in Tariff Schedule.	1 Names of articles.	2 Per	3 Present valuation.	4 Revised valuation.
	Articles of Food and Drink.		Rs. A.	Rs. A. P.
2	COFFEE	Cwt.	70 0	50 0 0
3	FRUITS AND VEGETABLES, except fresh fruits and vegetables not separately enumerated, which are free—			
	Almonds without shell	"	48 0	50 0 0
	" in the shell	"	15 8	14 0 0
	Cashew or cajoo kernels	"	12 0	14 0 0
	Cocoanut kernel (khopra)	"	11 0	12 0 0
	Currants, European, in cases	"	10 0	14 0 0
	" " in cans	"	22 0	25 0 0
	Pistachio nuts	"	32 0	35 0 0
	Prunes, Bussora (álu-Bokhara)	"	20 0	25 0 0
	Raisins, black	"	10 0	12 0 0
	" kishmish, Persian Gulf and Red Sea ...	"	15 0	12 8 0
	" Munakka " " " " ...	"	9 0	8 0 0
	Walnuts	"	10 0	8 0 0
6	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Cheese	lb	0 14	0 12 0
	Flour	barrel or sack of 200lb	20 0	15 0 0
	Pork hams	lb	0 14	0 12 0
7	SPICES—			
	Betelnuts—Goa	cwt.	17 0	12 8 0
	Cardamoms—Ceylon	"	150 0	225 0 0
	Chillies, dry	"	11 0	13 0 0
	Cloves	"	20 0	18 0 0
	" in seeds, narlavang	"	8 8	5 0 0
	Ginger, dry	"	16 0	12 0 0
	Nutmegs	lb	1 0	0 12 0
	Pepper, black	cwt.	16 0	18 0 0
	" long	"	7 0	20 0 0
	" white	"	30 0	34 0 0
8	SUGAR, loaf	"	16 0	15 0 0
	" crystallised, beet	"	11 8	11 0 0
	" " and soft, from China ...	"	12 8	12 0 0
9	TEA, green	lb	0 12	0 10 6

No. in Tariff Schedule.	1 Names of articles.	2 Per	3 Present valuation.	4 Revised valuation.
	Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning Materials.		Rs. A.	Rs. A. P.
10	CHEMICAL PRODUCTS AND PREPARTIONS—			
	Acid, sulphuric	℔	0 2	0 1 6
	Alum	cwt.	5 0	4 10 0
	Sal ammoniac	„	37 0	26 0 0
	Sulphate of copper	„	15 8	17 8 0
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	„	14 0	15 0 0
	Asafœtida, coarse (hingra)	„	21 0	25 0 0
	Brimstone (amalsára)	„	50 0	35 0 0
	Camphor, refined, cake	℔	1 4	1 2 0
	Cassia lignea	cwt.	26 0	28 0 0
	Cubebs	„	25 8	15 0 0
	Pellitory (akalkára)	„	40 0	30 0 0
	Peppermint crystals, from China and Japan ...	℔	11 8	7 0 0
	Sena leaves	cwt.	4 0	5 0 0
	Storax, liquid (rose melloes)	„	54 0	40 0 0
12	DYEING AND TANNING MATERIALS—			
	Alizarine dye, dry, 40 per cent.	℔	1 7	1 5 0
	„ „ „ 50 „	„	1 10	1 8 0
	„ „ „ 60 „	„	1 15	1 12 0
	„ „ „ 70 „	„	2 2	2 0 0
	„ „ „ 80 „	„	2 8	2 4 0
	„ „ „ 100 „	„	2 12	2 10 0
	„ „liquid, 10 „	„	0 5	0 4 6
	„ „ „ 16 „	„	0 8	0 6 6
	„ „ „ 20 „	„	0 10	0 8 6
	Aniline „ „ indigo blue	„	0 9	0 8 0
	Avar bark	cwt.	4 8	3 8 0
	Buzgand (gulpista)	„	27 0	34 0 0
	Galnuts (myrabolams)	„	4 0	3 0 0
	Madder or manjit	„	7 0	11 0 0
	Orchilla weed	„	5 0	4 0 0
	Metals and Manufactures of Metals.			
15	METALS, unwrought and wrought, and articles made of metals—			
	Brass, foil or dánkpana, white, 10½ in. × 4½ in.	hundred leaves	1 4	1 2 0
	„ „ „ coloured, 10½ in. × 4½ in.	„	1 12	1 8 0
	Copper, sheathing, plate, and raised bottoms ...	cwt.	48 0	50 0 0
	„ foil or dánkpana, white, 10½ in. × 4½ in. ...	hundred leaves	2 6	1 14 0
	„ „ „ „ coloured, 10½ in. × 4½ in. ...	„	3 3	2 8 0
	„ wire, including wire of phosphor-bronze	℔	0 9	0 8 6
	Gold leaf, European	hundred leaves	3 4	3 0 0
	Iron, angle, T, and channel	ton	110 0	115 0 0
	„ angle and T, galvanised	„	160 0	170 0 0
	„ bar, plate, and sheet, Lowmoor... ...	„	368 0	375 0 0
	„ nails, rose, wire, and flat-headed ...	cwt.	10 0	9 0 0
	„ pig	ton	56 0	50 0 0
	„ sheets and ridging, galvanised	cwt.	9 0	8 0 0
	„ Swedish, flat, square, and bolt	ton	148 0	152 0 0
	„ „ round rod, under half an inch in diameter	„	160 0	152 0 0
	Orsidue and brass leaves, European	℔	1 0	0 14 0
	Steel, basic, all sorts (other than galvanised or tinned basic steel sheets)	ton	100 0	105 0 0
	„ old	„	60 0	120 0 0
	„ plates and sheets, other than basic, galvanised	„	220 0	200 0 0
	„ rivets and washers	„	220 0	210 0 0
	„ „ „ galvanised	„	320 0	310 0 0
	„ T-bars	„	105 0	120 0 0
	Tin, block	cwt.	60 0	53 0 0
	Oils.			
16	OILS—			
	Cajeputi	quart	1 4	2 0 0
	Cassia	℔	2 8	3 12 0
	Earthnut	cwt.	16 0	18 0 0
	Grass	℔	1 12	1 8 0
	Jinjili or til	cwt.	16 0	18 0 0
	Sandal wood	℔	7 0	6 0 0

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 24, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 19TH, 1898.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 18th March 1898.

No. 907-*M.*—His Excellency the Viceroy and Governor-General will leave Calcutta for Simla on Tuesday, the 29th March 1898, by Special Train starting from Howrah at 6-33 P.M. (*Calcutta time*). His Excellency's departure from Calcutta will be *private.*

His Excellency will proceed to Pathankot by rail and march from thence through the hills to Simla, arriving there on Monday, the 25th April 1898. His Excellency's arrival at and departure from Pathankot will be *private*, and His Excellency's arrival at Simla will also be *private.*

All covers intended to reach His Excellency the Viceroy and Governor-General and party during His Excellency's journey should be addressed "Viceroy's Camp," without the addition of any post town

The party accompanying His Excellency on tour is as follows:—

1. Her Excellency the Countess of Elgin.
2. The Lady Elizabeth Bruce.
3. H. Babington Smith, Esquire, C.S.I., Private Secretary to the Viceroy.
4. Captain R. E. Grimston, Officiating Military Secretary to the Viceroy.
5. Surgeon-Colonel B. Franklin, C.I.E., Surgeon to the Viceroy.
6. Captain F. L. Adam, Aide-de-Camp to the Viceroy.

All communications connected with business of a mere routine nature should be sent, as usual, to the Head Quarters of the several Departments.

After the Viceroy's departure from Calcutta, all communications connected with His Excellency's Tour only, and all telegraphic messages intended for the Military Secretary to the Viceroy, should be addressed "Viceroy's Camp," without the addition of any post town, but all other correspondence intended for the Military Secretary to the Viceroy which cannot reach Calcutta until after the 28th March should be addressed to Colonel A. Durand, C.B., C.I.E., Military Secretary to the Viceroy, Simla.

By Command,

R. E. GRIMSTON, *Captain,*

Offg Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 18th March 1898.

No. 458.—In exercise of the powers conferred by Section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the Home Department, No. 518, dated the 6th March 1879, as already amended by the Notifications hereinafter mentioned :—

Clauses of Notification No. 518, dated the 6th March 1879.	Amending Notifications.	Amendments now directed.
Paragraph I.	...	For the word "namely" substitute "provided that, except where otherwise expressly stated, the arms or ammunition carried or possessed by such persons shall be for their own personal use, and shall not exceed such quantities (if any) as the Governor-General in Council, or a Local Government respecting the territories under its control, may from time to time declare to be reasonable for them to carry or possess :—"
" clause (3)	No. 1012, dated the 29th February 1892. No. 136, dated the 2nd February 1893. No. 684, dated the 18th May 1893. No. 876, dated the 22nd June 1893. No. 459, dated the 22nd March 1895.	*Omit* the last 55 words beginning with the word "subject" and ending with the word "possess."
" " (5)	...	*Add* at the end— "Provided that in Burma fire-arms held without license in virtue of this exemption shall be annually registered by the holder in the office of the District Magistrate by such date as may be prescribed by the Local Government."
" " (7)	Notification No. 459, dated the 22nd March 1895.	Before the words "all ruling Chiefs" *prefix* the words— "Subject only to such conditions (if any) as may be prescribed by the authority hereinafter indicated," *Substitute* a comma for the semi-colon after the word "respectively."
" " (8)	No. 1012, dated the 29th February 1892.	*Omit* the last 55 words beginning with the word "subject" and ending with the word "possess."
" " (9)	No. 1745, dated the 22nd November 1893.	After the word "subject" insert the word "only."
" " (10)	No. 484, dated the 30th March 1897.	*Omit* the last 39 words beginning with the word "subject" and ending with the word "possess."
" " (19)	No. 1415, dated the 19th July 1897.	For the last 30 words substitute "subject only to such orders as the Local Government may issue regarding the personages to be included in this category and the number of weapons and retainers in each case."

SANITARY.

The 15th March 1898.

No. 548.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Hardwár in the Sahâranpur District of the North-Western Provinces, if pilgrims or other persons from the Bombay Presidency (excluding Sind) or from certain portions of the Jullundur and Hoshiarpur Districts in the Punjab are permitted to assemble at Hardwár on the occasion of the Varuni and Dikhauti fairs;

In exercise of the powers conferred by Section 2, sub-section (1) of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to any station between Sahâranpur and Lhaksar Junction (both inclusive) and to any station between Lhaksar Junction and Hardwár (both inclusive) on the Oudh and Rohilkhand Railway shall be sold within the Bombay Presidency (excluding Sind) and in the Punjab at any railway station between Biás and Ludhiána (both inclusive) from the 15th to the 22nd March 1898 (both inclusive) and from the 1st to the 13th April 1898 (both inclusive), to any pilgrim or other person intending or believed to be intending to go on pilgrimage to the Varuni or Dikhauti fairs.

J. P. HEWETT,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

SALT.

Calcutta, the 17th March 1898.

No. 1316-*S. R.*—The following rules made by the Governor-General in Council in exercise of the powers conferred by Section 27 of the Indian Salt Act, 1882, are published under Section 29 of the said Act, in modification of Rule 36 of the rules published under Notification No. 1892, dated 27th June 1884, and of Notification No. 3154, dated 21st June 1889, and in supersession of Notification No. 1452, dated 8th April 1891:—

Rule 1.—The transit of salt from the right to the left bank of the river Indus in any quantity exceeding five seers, except such salt as is the produce of the Kalabagh mines, is prohibited.

Rule 2.—The transit of salt in any quantity exceeding five seers on that part of the river Indus which lies within the territories administered by the Lieutenant-Governor of the Punjab, except when covered by a pass signed by an officer of the Northern India Salt Department of rank not lower than that of a Superintendent, certifying that duty has been paid on the salt covered by the pass at the rate for the time being in force in the cis-Indus districts of the Punjab, is prohibited.

Rule 3.—The importation into, or the transit over, any part of that portion of the territories administered by the Lieutenant-Governor of the Punjab which lies east of the river Indus, of salt produced in the district of Kohat in the Punjab in any quantity exceeding five seers, is prohibited.

J. F. FINLAY,

Secretary to the Government of India.

SANITARY.

No. [illegible]—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Hardwar in the Saharanpur District of the North-Western Provinces if pilgrims or other persons from the Bombay Presidency (excluding Sind) or from certain portions of the Jullundur and Hoshiarpur Districts in the Punjab are permitted to assemble at Hardwar on the occasion of the Varuni and Dikh [illegible] fairs:

[illegible] the powers conferred by Section 2, sub-section (1) of the Epidemic Diseases Act (III of 1897) the Governor-General in Council is pleased to direct that no tickets for travel by railway to any station between Saharanpur and [illegible] Junction [illegible] on the Oudh and Rohilkhand Railway shall be sold within the Bombay Presidency (excluding Sind) and in the Punjab at any railway station between Bias and Ludhiana (both inclusive) [illegible] 1898 (both inclusive) and from the 1st to [illegible] to any pilgrim or other person intending, or believed to be intending, to go on pilgrimage to the Varuni or Dikh [illegible] fairs.

J. P. HEWETT,
Secretary to the Government of India.

LAHORE, THURSDAY, MARCH 24, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA" DATED MARCH 26th, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

SEPARATE REVENUE.

SALT.

Calcutta, the 17th March 1898.

No. 1518 S. R.—The following rules made by the Governor-General in Council in exercise of the powers conferred by the Indian Salt Act, 1882, are published under Section 20 of that Act, in modification of Rule 10 of the rules published under Notification No. [illegible], dated 27th June 1884, and of Notification No. 1154, dated 21st June 1888, and in supersession of Notification No. 1458, dated 8th April 1891:—

Rule 1.—The transit of salt from the right to the left bank of the river Indus in any quantity exceeding five seers, except such salt as is the produce of the Kalabagh mines, is prohibited.

Rule 2.—The transit of salt in any quantity exceeding five seers on that part of the river Indus which lies within the territories administered by the Lieutenant-Governor of the Punjab, except when covered by a pass signed by an officer [illegible], certifying that duty has been paid [illegible], is prohibited.

Rule 3.—The importation into, or the transit over, any part of that portion of the territory administered by the Lieutenant-Governor of the Punjab which lies west of the river Indus, of salt produced in the district of Kohat in the Punjab, in any quantity exceeding [illegible], is prohibited.

L. P. FINLAY,
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, MARCH 31, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 26TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

***Calcutta, the 21st March* 1898.**

No. 575.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Ajudhia in the Fyzabad District of the North-Western Provinces and Oudh, if pilgrims or other persons from the Bombay Presidency (excluding Sind), from certain portions of the Jullundur and Hoshiárpur Districts in the Punjab, or from the Hyderabad State are permitted to assemble at Ajudhia on the occasion of the Ramnaumi fair;

In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to Ajudhia, Fyzabad and Ajudhia Ghat Railway stations shall be sold from the 25th to the 31st March 1898 (both days inclusive) within the Bombay Presidency (excluding Sind), in the Punjab at any railway station between Beas and Ludhiána (both inclusive) or in the Hyderabad State, to any pilgrim or other person intending or believed to be intending to go on pilgrimage to the Ramnaumi fair.

No. 588.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Lahore in the Punjab, if pilgrims or other persons from the Bombay Presidency (excluding Sind) and the Hyderabad State are permitted to assemble there on the occasion of the Chiraghan fair;

In exercise of the power conferred by section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to stations between Murídki and Jallo on the North-Western Railway shall be sold from the 21st to the 28th March 1898 (both days inclusive) in the Bombay Presidency (excluding Sind) and in the Hyderabad State to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Chiraghan fair.

No. 598.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Chitrakot in the Central India Agency, if pilgrims or other persons from the Bombay Presidency (excluding Sind), from the Hyderabad State, or from certain portions of the Jullundur and Hoshiárpur Districts in the Punjab are permitted to assemble at Chitrakot on the occasion of the fairs which will be held at that place on the 23rd and the 31st March 1898;

In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to any station between Jhansi and Manikpur (both inclusive) on the Indian Midland Railway or between Katni and Manikpur (both inclusive) on the East Indian Railway, shall be sold from the date of the issue of this Notification until the 1st April 1898, within the Bombay Presidency, the Hyderabad State, or in the Punjab at any railway station between Beas and Ludhiána (both inclusive), to any pilgrim or other person intending or believed to be intending to go on pilgrimage to the fairs at Chitrakot.

J. P. HEWETT,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 22nd March 1898.

No. 1405.-*F.*—The services of Mr. C. G. W. Hastings, C. I. E., Officer on Special Duty, Kurram, are replaced at the disposal of the Government of the Punjab, with effect from the date of his relinquishing charge of his political duties with the Tirah Expeditionary Force.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

STAMPS.

Calcutta, the 22nd March 1898.

No. 1390-*S. R.*—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879 (I of 1879), and in continuation of the Notification of the Government of India in the Finance Department, No. 5199-S. R., dated the 1st November 1895, the Governor-General in Council is pleased to direct that the following shall be added to clause 12 of the second schedule to the said Notification :—

(*c*) policies of endowment assurance granted on or after the first day of February 1898 by the Director-General of the Post Office of India in accordance with the rules for Postal Endowment Assurance issued under the authority of the Government of India.

ACCOUNTS.

RATES OF EXCHANGE.

The 23rd March 1898.

No. 1407-*A.*—It is hereby notified that the rate of exchange for the adjustment of financial transactions between the British and Indian Governments for the year 1898-99 has been fixed by the Secretary of State with the concurrence of the Lords Commissioners of Her Majesty's Treasury at 1*s.* 3¼*d.* the rupee.

SEPARATE REVENUE.

POST OFFICE.

The 24th March 1898.

No. 1429-*S. R.*—In modification of the Notification of the Government of India in the Finance and Commerce Department, No. 2781-S. R., dated the 13th of June 1895, the Governor-General in Council is pleased to prescribe that, with effect from the 1st of April 1898, registration shall not be obligatory for parcels posted under the value-payable system.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL STAMPS, &C.

The 25th March 1898.

No. 1455-*S. R.*—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879 (I of 1879), the Governor-General in Council is pleased to direct that in clause 1 (*j*) of the Second Schedule to the Notification of the Government of India in the Department of Finance and Commerce, No. 5199-S. R., dated the 1st November 1895, after the words " half parcels rates " the words " or at goods rates " shall be inserted.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 22nd March 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 335.—*1st Punjab Volunteer Rifles*—

Captain W. Mitchell, unattached list, resigns his commission, with effect from the 5th January 1897.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, APRIL 7, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 19TH, 1898.

Circular No. I Railway.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

Calcutta, the 9th March 1898.

Revised Risk Note Forms A, B, C, D, E, F, H, and X.

READ—

Government of India Circular No. XIV Railway, dated the 3rd July 1880.

Sections 72, 73 and 75 of the Indian Railways Act, IX of 1890, as amended by Section 4 of Act IX of 1896.

Letter from the Director-General of Railways, No. 129 T., dated the 9th March 1896, and its enclosures.

Letter from the Secretary, Railway Conference, No. 51, dated the 8th October 1897, and its enclosures.

OBSERVATIONS.—In Government of India Circular No. XIV Railway, dated the 3rd July 1880, the following risk note forms were sanctioned for adoption on all State, as well as on certain other railways, and subsequently their adoption was still further extended :—

Form A, for articles in bad condition or defectively packed.

Form B, for articles despatched at a "special reduced" or "owner's risk" rate.

Form C, for articles liable to damage and carried in open trucks at sender's request.

Form D, for consignments of small value carried at "owner's risk." (This form was subsequently cancelled.)

Form E, for uninsured horses of a declared value of over Rs. 500.

Form F, for low-priced horses, mules and ponies carried in cattle trucks.

Form H, a general agreement form for large consignments.

A further risk note, Form X, to be used when the consignor elects to despatch an "excepted" article or articles specified in the second schedule of the Indian Railways Act, IX of 1890, the value of which exceeds Rs. 100 without payment of the percentage on value authorized in section 75 of that Act, was subsequently sanctioned by the Governor-General in Council at the suggestion of the administration of the East Indian Railway and was adopted on several railways; and a new risk note has now been prepared to provide for the carriage of explosive and dangerous goods at owner's risk.

2. With the exception of the latter, which is founded upon English practice, the risk notes now published are, as regards conditions, merely reproductions of those originally sanctioned with certain additions to make them available in through booking with other railways and out-agencies.

3. In regard to out-agencies the Government of India are advised that there is no objection to the use of one risk note to cover the transit of a consignment partly by railway as defined in the Indian Railways Act, IX of 1890, and partly by other means of transport under the Carrier's Act, III of 1865. Its efficacy in the latter case will, however, depend on the fulfilment of the requirements of the Carrier's Act.

4. Provision is made in some of the risk notes at present in force for the excision of certain words which may be inapplicable to the particular traffic carried, but the Government are advised that this is unnecessary.

5. Attention is invited to the foot-note on each form providing that, while it is open to railways for the convenience of their constituents to print vernacular translations on the back of the form, the English version is the authoritative form which alone governs the liability of the railway.

6. To facilitate proof in courts of law of the approval of the Governor-General in Council of the forms in use, it has been decided to publish the forms in the *Gazette of India* and in the *Local Government Gazettes.*

It is further suggested that, to facilitate proof of the execution of the risk notes, the signature of the consignor should, when possible, be attested by two independent witnesses and not, as is sometimes the practice, by employés of the railway or of the consignor.

RESOLUTION.—The Governor-General in Council is pleased to approve, under section 72 (2) (*b*) of the Indian Railways Act, IX of 1890, of the use of the enclosed forms, with effect from the 1st July 1898, by Railway Administrations working railways to which the Indian Railways Act, IX of 1890, applies.

2. In the case of railways to which Local Acts similar in scope to the Indian Railways Act, IX of 1890, are applicable, the Governor-General in Council is also pleased to approve of the use of these forms from the 1st July 1898, so far as his approval may be necessary under such Local Acts.

3. Until the 30th June 1898, the forms at present in use shall remain in force.

ORDER.—Ordered that a copy of this Resolution, and of its enclosures, be communicated to the Local Governments and Administrations and to the officers marginally noted, for information and guidance; also to the Governments of the North-Western Provinces and Oudh, and the Punjab, the Chief Commissioner of the Central Provinces, the Agent to the Governor-General in Balúchistán, the Accountant-General, Public Works Department, and to the Foreign Department, for information.

The Governments of Madras, Bombay, Bengal and Burma.
The Chief Commissioner of Assam.
The Resident at Hyderabad.
The Resident in Mysore.
The Agents to the Governor-General in Rájpútána, Central India and Boroda.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Assam.
The Managers of the North-Western, Oudh and Rohilkhand, Eastern Bengal, and East Coast (State) Railways.

Ordered, further, that this resolution and the accompanying forms be published under a notification in Part I of the *Gazette of India*, and that they be reproduced in the *Local Government Gazettes.*

F. R. UPCOTT,
Secretary to the Government of India.

_______________ RAILWAY.

Risk Note, Form A.

(Approved by the Governor-General in Council under section 72 (2) (*b*) of the Indian Railways Act, IX of 1890.)

(To be used when articles are tendered for carriage which are either already in bad condition or so defectively packed as to be liable to damage, leakage or wastage in transit.)

_______________ STATION

_______________ 18

WHEREAS the consignment of _______________ _______________ tendered by me/us, as per Forwarding Order No. ________ of this date, for despatch by the _______________ railway administration or their transport agents or carriers to _______________ station, and for which I/we have received Railway Receipt No. _______________ of same date, is in bad condition and/or liable to damage, leakage, or wastage in transit as follows :— _______________

I/we, the undersigned, do hereby agree and undertake to hold the said railway administration and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods may be carried in transit from _______________ station to _______________ station harmless and free from all responsibility for the condition in which the aforesaid goods may be delivered to the consignee at destination and for any loss arising from the same.

Signature of sender _______________

WITNESS.

(Signature) _______________

Rank or { Father's name _______________ / Caste ________ Age ________ }

(Residence) _______________

WITNESS.

(Signature) _______________ Profession _______________

(Residence) _______________ Residence _______________

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

______________________ RAILWAY.

Risk Note, Form B.

(Approved by the Governor-General in Council under section 72 (2) (b) of the Indian Railways Act, IX of 1890.)

(To be used when the sender elects to despatch at a "Special reduced" or "Owner's risk" rate articles or animals for which an alternative "Ordinary" or "Risk acceptance" rate is quoted in the tariff.)

______________________ STATION.

______________________ 18

WHEREAS the consignment of ______________________ tendered by me/us, as per Forwarding Order No. ________ of this date, for despatch by the ______________________ railway administration or their transport agents or carriers to ______________________ station, and for which I/we have received Railway Receipt No. ________ of same date, is charged at a special reduced rate instead of at the ordinary tariff rate chargeable for such consignment, I/we, the undersigned, do, in consideration of such lower charge, agree and undertake to hold the said railway administration and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods or animals may be carried in transit from ______________________ station to ______________________ station harmless and free from all responsibility for any loss, destruction or deterioration of, or damage to, the said consignment from any cause whatever before, during and after transit over the said railway or other railway lines working in connection therewith or by any other transport agency or agencies employed by them respectively for the carriage of the whole or any part of the said consignment.

Signature of sender ______________________

WITNESS.

(Signature) ______________________

(Residence) ______________________

Rank or { Father's name ______________________ / Caste ______________ Age ________ }

WITNESS.

(Signature) ______________________

(Residence) ______________________

Profession ______________________

Residence ______________________

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

______________ RAILWAY.

Risk Note, Form C.

(Approved by the Governor-General in Council under section 72 (2) (b) of the Indian Railways Act, IX of 1890.)

(To be used when, at sender's request, open wagons, carts or boats are used for the conveyance of goods liable to damage when so carried, and which, under other circumstances, would be carried in covered wagons, carts or boats.)

______________ STATION.

______________ 18 .

WHEREAS the consignment of ______________ ______________ tendered by me/us, as per Forwarding Order No. ______ of this date, for despatch by the ______ railway administration or their transport agents or carriers to ______ station, and for which I/we have received Railway Receipt No. ______ of same date, is at my/our request loaded in open wagons, carts or boats, to be so carried to destination, I/we, the undersigned, do hereby agree and undertake to hold the said railway administration and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods may be carried in transit from ______ station to ______ station harmless and free from all responsibility for any destruction or deterioration of, or damage to, ihe said consignment which may arise by reason of the consignment being conveyed in tpen wagons, carts or boats during transit over the said railway or other railways workong in connection therewith or during transit by any other transport agency or agencies employed by them, respectively.

Signature of sender ______

WITNESS.

(Signature) ______

Rank or { Father's name ______

(Residence) ______

Caste ______ Age ______

WITNESS.

(Signature) ______ Profession ______

(Residence) ______ Residence ______

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse ***but the form in English is the authoritative form,*** and the railway administration accepts no responsibility for the correctness of the vernacular translation.

RAILWAY.

Risk Note, Form D.

(Approved by the Governor-General in Council under section 72 (2) (*b*) of the Indian Railways Act, IX of 1890).

(To be used when the sender elects to despatch at a " Special reduced " or " Owner's risk " rate dangerous, explosive or combustible articles for which an alternative " Ordinary " or " Risk acceptance " rate is quoted in the tariff.)

________________ STATION.

________________ 18 .

WHEREAS the consignment of ________________ tendered by $\frac{me}{us}$, as per Forwarding Order No. ________ of this date, for despatch by the ________ railway administration or their transport agents or carriers to ________ station, and for which $\frac{I}{we}$ have received Railway Receipt No. ________ of same date, is charged at a special reduced rate instead of at the ordinary tariff rate chargeable for such consignment, $\frac{I}{we}$, the undersigned, do, in consideration of such lower charge, agree and undertake to hold the said railway administration, and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods may be carried in transit from ________ station to ________ station harmless and free from all responsibility for any loss, destruction or deterioration of, or damage to, the said consignment from any cause whatever before, during and after transit over the said railway or other railway lines working in connection therewith or by any other transport agency or agencies employed by them respectively for the carriage of the whole or any part of the said consignment.

$\frac{I}{We}$ further agree to accept responsibility for any consequences to the property of the aforesaid railway administration (s) and of their transport agents and carriers, or to the property of other persons that may be in the course of conveyance, which may be caused by the explosion of, or otherwise, by the said consignment, and that all risk and responsibility whether to the railway administration (s) or their transport agents and carriers, to their servants or to others, remains solely and entirely with $\frac{me}{us}$.

WITNESS.

(Signature) ________

(Residence) ________

WITNESS.

Signature) ________

(Residence) ________

Signature of sender ________

Rank or { Father's name ________ / Caste ________ } Age ________

Profession ________

Residence ________

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibilities for the correctness of the vernacular translation.

______ RAILWAY.

Risk Note, Form E.

(Approved by the Governor-General in Council under section 72 (2) (b) of the Indian Railway Act, IX of 1890.)

(To be used when booking elephants or horses of a declared value exceeding Rs. 500 a head; mules, camels or horned cattle Rs. 50 a head; donkeys, sheep, goats, dogs or other animals Rs. 10 a head, without payment of the percentage on value authorised in section 73 of Act, IX of 1890, as amended by section 4 of Act, IX of 1896.)

______ STATION.

______ 18 .

WHEREAS I/we, the undersigned, have tendered to the ______ railway administration for despatch to ______ station the animal(s) mentioned below, for which I/we have received Railway Ticket No. ______ of this date;

And whereas I/we have paid to the said ______ railway administration only their ordinary freight charge without any extra charge for insurance;

And whereas the said railway administration for such ordinary freight charged holds itself responsible for proved damages to (each of) the said animal(s) caused by neglect or misconduct of its servants to the extent of the value mentioned below;

And whereas the said railway administration has notified that it will not be liable for damage or loss arising from freight or restiveness, or delay not caused by the negligence or misconduct of its servants, and such condition is accepted by me/us;

I/we, the undersigned, do, in consideration of the foregoing terms and conditions, hereby agree and undertake that the responsibility of the said railway administration and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said animal(s) may be carried in transit from ______ station to ______ station, for the loss, destruction or deterioration of, or damage to (each of), the said animal(s) shall not exceed the value mentioned below—

ANIMALS.		Value of each.	ANIMALS.		Value of each.
No.	Description.		No.	Description.	
		Rs.			Rs.
	Elephants	500		Donkeys	10
	Horses	500		Sheep	10
	Mules	50		Goats	10
	Camels	50		Dogs	10
	Horned cattle	50		Other animals	10

Signature of sender ______

WITNESS.

(Signature) ______

(Residence) ______

Rank or { Father's name ______ / Caste ______ Age ______ }

WITNESS.

(Signature) ______

(Residence) ______

Profession ______

Residence ______

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

______ RAILWAY.

Risk Note Form F.

(Approved by the Governor-General in Council under section 72 (2) (*b*) of the Indian Railways Act, IX of 1890.)

(To be used when booking horses, mules and ponies, tendered for despatch in cattle trucks or horse wagons instead of in horse boxes.)

______ STATION.

______ 18 .

WHEREAS the consignment of ______ ______ tendered by $\frac{\text{me}}{\text{us}}$, as per Forwarding Order No. ______ of this date, for despatch by the ______ railway administration to ______ station, and for which $\frac{\text{I}}{\text{we}}$ have received Railway Receipt No. ______ of same date, is at $\frac{\text{my}}{\text{our}}$ request and in consideration of the payment by $\frac{\text{me}}{\text{us}}$ of cattle truck or horse wagon rate in lieu of horse box rate, loaded in cattle trucks or horse wagons instead of horse boxes to be so carried to destination;

And whereas the said railway administration has notified that it will not be liable for damage or loss arising from freight or restiveness, or delay not caused by the negligence or misconduct of its servants, and such condition is accepted by $\frac{\text{me}}{\text{us}}$;

$\frac{\text{I}}{\text{we}}$, the undersigned, do hereby agree and undertake to hold the said railway administration and all other railway administrations working in connection therewith, over whose railways the said animal(s) may be carried in transit from ______ ______ station to ______ station harmless and free from all responsibility in excess of Rs. 50 (per head) for any loss, destruction or deterioration of, or damage to, the said consignment during transit over the said railway or other railways working in connection therewith.

WITNESS.

(Signature) ______

(Residence) ______

Signature of sender ______

Rank or { Father's name ______ / Caste ______ Age ______ }

WITNESS.

(Signature) ______

Residence) ______

Profession ______

Residence ______

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

________________ RAILWAY.

Risk Note Form H.

(Approved by the Governor-General in Council under section 72 (2) (*b*) of the Indian Railways Act, IX of 1890.)

(To be used as an alternative to Risk Note Form B when a sender desires to enter into a general agreement instead of executing a separate Risk Note for each consignment.)

________________ STATION.

________________ 18 .

WHEREAS all consignments of goods or animals for which the __________ railway administration quotes both owner's risk or special reduced rates and railway risk or ordinary rates are (unless $\frac{\text{I}}{\text{we}}$ shall have entered into a special contract in relation to any particular consignment) despatched by $\frac{\text{me}}{\text{us}}$ at $\frac{\text{my}}{\text{our}}$ own risk and are charged for by the __________ railway administration at special reduced or owner's risk rates instead of at ordinary tariff or railway risk rates, $\frac{\text{I}}{\text{we}}$, the undersigned, in consideration of such consignments being charged for at the special reduced or owner's risk rates, do hereby agree and undertake to hold the __________ railway administration and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods or animals may be carried in transit from __________ station to __________ station harmless and free from all responsibility for any loss, destruction or deterioration of, or damage to, all or any of such consignments from any cause whatever before, during and after transit over the said railway or other railway lines working in connection therewith or by any other transport agency or agencies employed by them respectively for carriage of the whole or any part of the said consignments.

WITNESS.

(Signature) __________

(Residence) __________

WITNESS.

(Signature) __________

(Residence) __________

Signature of sender __________

Rank or { Father's name __________ / Caste __________ Age __________ }

Profession __________

Residence __________

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

______ RAILWAY.

Risk Note, Form X.

(Approved by the Governor-General in Council under section 72 (2) (*b*) of the Indian Railways Act, IX of 1890.)

(To be used when the sender elects to despatch an "excepted" article or articles specified in the second schedule to the Indian Railways Act, IX of 1890, whose value exceeds one hundred rupees without payment of the percentage on value authorized in section 75 of that Act.)

______ STATION.

______ 18 .

WHEREAS the consignment of ______ ______ tendered by $\frac{me}{us}$ as per Forwarding Order No.______ of this date, for despatch by the ______ railway administration or their transport agents or carriers to ______ station, and for which $\frac{I}{we}$ have received Railway Receipt No. ______ of same date, is charged at the ordinary rates for carriage, and whereas $\frac{I}{we}$ have been required to pay, and elected not to pay, a percentage on the value of the consignment by way of compensation for increased risk, $\frac{I}{we}$, the undersigned, do therefore agree and undertake to hold the said railway administration and all other railway administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods may be carried in transit from ______ station to ______ station harmless and free from all responsibility for any loss, destruction or deterioration of, or damage to, the said consignment from any cause whatever before, during and after transit over the said railway, or other railway lines working in connection therewith or by any other transport agency or agencies employed by them respectively for the carriage of the whole or any part of the said consignment.

WITNESS. Signature of sender ______

(Signature) ______

Rank or { Father's name ______ / Caste ______ Age ______ }

(Residence) ______

WITNESS.

(Signature) ______ Profession ______

(Residence) ______ Residence ______

Note.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, *but the form in English is the authoritative form*, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

FROM THE "GAZETTE OF INDIA," DATED APRIL 2ND, 1898.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 29th March 1898.

No. 520.—Under the provisions of Section 9 of the Statute 24 and 25 Vict., Cap. 67, the Governor-General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

J. P. HEWETT,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 1st April 1898.

No. 347.—The following promotions are made, subject to Her Majesty's approval:

PROMOTIONS.

INDIAN MEDICAL SERVICE.

BENGAL MEDICAL ESTABLISHMENT.

Surgeon-Majors to be Surgeon-Lieutenant-Colonels.

Dated 30th March 1898.

* * * * * * * *

George Frederick Nicholson, M.D., F.R.C.S.I.

* * * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 14, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 9TH, 1898.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 9th April 1898.

No. 271.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India, by the appointment of the Honourable Sir John Woodburn, K.C S.I., to the office of the Lieutenant-Governor of Bengal, Her Majesty the Queen, Empress of India, has heen graciously pleased to appoint the Honourable Mr. Charles Montgomery Rivaz, C.S.I., of the Indian Civil Service, to be an Ordinary Member of the Council of the Governor-General of India. The Honourable Mr. Rivaz has on this day taken upon himself the execution of his office under the usual salute.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 4th April 1898.

No. 662—21-16.—Veterinary-Lieutenant A. S. Trydell, Superintendent, Civil Veterinary Department, Central Provinces, is transferred from the Central Provinces to the Punjab.

J. B. FULLER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 7th April 1898.

No. 1548-*F.*—The services of Sir R. Udny, K.C.S.I., Commissioner and Superintendent of the Peshāwar Division, are replaced at the disposal of the Punjab Government, with effect from the date of his relinquishing his political duties with the Tirah Expeditionary Force.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 4th April 1898.

No. 1551-*S. R.*—In exercise of the power conferred by section 23 of the Sea Customs Act (VIII of 1878), the Governor-General in Council is pleased to exempt from the import duty leviable thereon under No. 14 of Schedule IV of the Indian Tariff Act, 1894 (VIII of 1894), as amended by Acts XVI of 1894 and III of 1896, machinery (and component parts thereof) for the manufacture of paraffin candles.

J. F. FINLAY,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 21, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 16TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 9th April 1898.

No. 271.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India, by the appointment of the Honourable Sir John Woodburn, K.C.S.I., to the office of the Lieutenant-Governor of Bengal, Her Majesty the Queen, Empress of India, has been graciously pleased to appoint the Honourable Mr. Charles Montgomery Rivaz, C.S.I., of the Indian Civil Service, to be an Ordinary Member of the Council of the Governor-General of India. The Honourable Mr. Rivaz has on this day taken upon himself the execution of his office under the usual salute.

The 15th April 1898.

No. 285.—Sir C. A. Roe, KT., is permitted to resign Her Majesty's Indian Civil Service, with effect from the 4th May 1898, or the subsequent date on which he may sail from India or relinquish charge of office in the event of his not taking subsidiary leave.

JUDICIAL.

The 9th April 1898.

No. 433.—The services of Captain H. G. B. Raitt, 7th Bengal Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as an Officiating Cantonment Magistrate.

J. P. HEWETT,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 15th April 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No 395.—*1st Punjab Volunteer Rifles*—

Lieutenant Charles Henry Blackburn to be Captain, with effect from the 14th January 1898.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th April 1898.

No. 156.—Mr. F. F. Hensley, Examiner of Accounts, attached to the office of the Examiner of Public Works Accounts, Punjab, is appointed Examiner of Accounts, Bezvada-Madras Railway.

F. R. UPCOTT,
Secretary to the Government of India.

The 11th April 1898.

No. 145.—Mr. B. C. Bensley, Executive Engineer, 2nd Grade, Punjab, was permitted to retire from the service of Government, under Article 486 of the Civil Service Regulations, with effect from the 18th March 1898.

J. S. BERESFORD,
Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 28, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 23RD, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 22nd April 1898.

No. 497.—The services of Surgeon-Major J. A. Cunningham, M.D., M CH., I.M.S. (Bengal), are replaced at the disposal of the Government of the Punjab, with effect from the date on which he assumed charge of his duties.

SANITARY.

Simla, the 22nd April 1898.

No. 933.—In exercise of the powers conferred by section 2, sub-section (1) of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste paper from Karáchi into any part of British India shall be prohibited.

JUDICIAL.

Simla, the 20th April 1898.

No. 473.—Under the provisions of Section 4 of the Punjab Courts Act (XVIII of 1884), as amended by Act XIX of 1895, the Governor-General in Council is pleased to make the following appointments consequent on the retirement from the service, with effect from the 4th May 1898, of Sir Charles Roe, the Chief Judge of the Chief Court, Punjab:—

Mr. J. Frizelle, I.C.S., one of the Judges of the Chief Court, Punjab, to be the Chief Judge of that Court.

Babu Protul Chandra Chatterji, Rái Bahádur, 1st temporary Additional Judge of the Chief Court, Punjab, to be a Judge of that Court.

Mr. W. O. Clark, I.C.S., 2nd temporary Additional Judge of the Chief Court, Punjab, to be 1st temporary Additional Judge of that Court, until further orders.

Mr. T. G. Walker, I.C.S. Divisional Judge of Lahore, to be 2nd temporary Additional Judge of the Chief Court, until further orders.

The 22nd April 1898.

No. 480.—The services of Major G. A. Welman, 13th Madras Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as an Officiating Cantonment Magistrate.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 18th April 1898.

No. 771—65-1.—Veterinary-Captain H. T. Pease, Principal, Lahore Veterinary College, is granted furlough for one year, three months and fifteen days, with effect from the 1st May 1898, or the subsequent date on which he may avail himself of it.

J. B. FULLER,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 21st April 1898.

No. 165.—Lála Jai Kishan, Deputy Examiner of Accounts, attached to the office of the Examiner of Guaranteed Railway Accounts, Bombay, is transferred to the office of the Examiner of Public Works Accounts, Punjab.

F. R. UPCOTT,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 5, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 30TH, 1898.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 29th April 1898.

No. 1285-*M.*—HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will hold a Levée at Viceregal Lodge, Simla, at 9-45 P.M. on Tuesday, the 24th May 1898.

All Civil and Military Officers and the Native Officers of the Detachment of the 1st Battalion, 5th Gurkhas, are invited to attend.

All Officers and Gentlemen attending the Levée are requested to bring with them two cards, with their names legibly written thereon—one card to be delivered on entering Viceregal Lodge, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court are requested to send their names and addresses to the Aide-de-Camp in waiting not later than Monday, the 16th May 1898; and, when attending the Levée, to have the names of those Gentlemen who are to present them also written on their cards.

Gentlemen presenting others must themselves attend the Levée.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not entitled to wear uniform will appear in evening dress.

By Command,

A. DURAND, *Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

PLAGUE.

Simla, the 28th April 1898.

No. 1038.—In exercise of the powers conferred by Section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no person who has, since the 25th March 1898, resided or been in, or passed through, the Province of Sind, shall, until further orders, be permitted to embark on any ship at any port in British India with the object of proceeding as an emigrant or as a labourer to any port out of British India.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 27th April 1898.

No. 843—64-3.—Veterinary-Lieutenant H. A. Sullivan, Professor, Lahore Veterinary College, who was appointed by Notification No. 1691—123-7, dated 3rd November 1897, to officiate as Principal, Ajmere Veterinary School, is re-transferred to the Punjab, with effect from the 5th April 1898.

J. B. FULLER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 29th April 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, RESIGNATIONS AND RETIREMENTS.

No. 469.—*2nd Punjab* (*Simla*) *Volunteer Rifles*—

Major Frederick Robert Upcott to be Commandant, with the rank of Lieutenant-Colonel, *vice* Colonel Sir W. S. S. Bisset, K.C.I.E., Royal Engineers, transferred to the supernumerary list.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 12, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 7TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 6th May 1898.

No. 756.—The Birthday of Her Majesty the Queen, Empress of India, will be kept in India on Tuesday, the 24th May 1898.

ESTABLISHMENTS.

The 6th May 1898.

No. 352.—Mr. M. L. Dames is permitted to resign Her Majesty's Indian Civil Service, with effect from the 11th February 1898.

J. P. HEWETT,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 6th May 1898.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 492.—The following promotions are made, subject to Her Majesty's approval:

* * * * * * * *

Captains to be Majors.

1st May 1898.

* * * * * * * *

Henry Samuel Price Davies.

* * * * * * * *

James Harry Christie.

* * * * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th May 1898.

No. 190.—The Honorable Mr. J. S Beresford, Chief Engineer, 2nd Class, Punjab, and Officiating Joint Secretary to the Government of India in the Public Works Department, is permanently promoted to Chief Engineer, 1st Class, with effect from the 5th March 1898.

F. R. UPCOTT,
Secretary to the Government of India.

The 5th May 1898.

No. 192.—The Governor-General in Council is pleased to order the following promotions in the Classes of Chief and Superintending Engineers, with effect from the dates specified :—

Name.	From	To	Nature of promotion.	With ffect from.
Wallis, B. G.	Superintending Engineer, 2nd Class, temporary rank.	Suoerintending Engineer, 2nd Class.	Sub. *pro tem*	18th February 1898.
Jacob, Colonel S. L., R. E.	Chief Engineer, 3rd Class.	Chief Engineer, 2nd Class.	Permanent.	5th Mach 1898.
Preston, S.	Superintending Engineer, 1st Class, temporary rank.	Superintending Engineer, 1st Class.	Sub. *pro tem.*	5th March 1898.
Phelan, A. B.	Superintending Engineer, 3rd Class.	Superintending Engineer, 2nd Class.	Temporary	7th March 1898.

J. S. BERESFORD,
Offg. Joint Secretary to the Government of India.

SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 7TH MAY 1898.

HOME DEPARTMENT.

RULES REGARDING THE RECEIPT OF TESTIMONIALS AND ADDRESSES BY SERVANTS OF GOVERNMENT.

NOS. 729—53.

***Extract from the Proceedings of the Government of India in the Home Department (Public), under date Simla, the 6th May* 1898.**

Read—

Home Department Resolution No. $\frac{39}{1639-1645}$, dated the 22nd July 1887, regarding the receipt of testimonials and addresses by servants of Government.

RESOLUTION.

By the rules attached to the Resolution above quoted, all servants of Government are prohibited, subject to stated exceptions, from receiving complimentary or valedictory addresses in any form, or testimonials of any kind, and from attending public meetings or complimentary entertainments of a formal and public character held in their honor. Several instances have recently occurred in which arrangements for the presentation of testimonials have been made and subscriptions collected apparently in ignorance of the fact that the proceedings were irregular and that the Rules prohibit Government officials from receiving testimonials of any kind. It has also happened more than once lately that a formal character has been given to farewell entertainments, such as are

permitted by rule 3, by the publication in the newspapers of speeches made at them. The Governor-General in Council in these circumstances finds it necessary to call the attention of Local Governments and Administrations to the rules, and to request that it may be again impressed on all officers that they must be strictly observed. With a view to bringing them to the notice of the public, the Governor-General in Council directs that they be republished in the *Gazette of India* and the Gazettes of Local Governments and Administrations. The rules do not apply to the receipt of addresses by the Head of any Government or Administration.

1. Save as in these rules otherwise provided, all servants of Government, Covenanted or Uncovenanted, are forbidden to receive complimentary or valedictory addresses in any form; or to accept testimonials of any kind; or to attend public meetings or complimentary entertainments of a formal and public character held in their honor.

2. The Government views with disfavour all similar manifestations in the case of retired officers, when following immediately upon their retirement from active service, and designed as an acknowledgment of acts done by them while in the service of Government.

3. It is not intended to prohibit such an expression of regard for the private or official character of an officer retiring from service, or leaving his station or district, as is involved in a farewell entertainment supported by his personal friends, even though some of these may be his official subordinates. But it is expected that the proceedings on such occasions will be substantially of a private and informal character.

4. Local Governments and Administrations are authorised to forward to an officer who has left a station or district the resolution of any local public body recording a vote of thanks to him for help and advice afforded during his official connection with the station or district.

5. Medical officers are not prohibited from receiving pecuniary recognition of their services from a community or body of persons which may desire to acknowledge these, but the previous sanction of the Local Government or Administration must be obtained by medical officers before receiving any public complimentary address.

6. Nothing in the above rule is meant to prohibit compliance with the request of a public body that a Government officer should sit for his portrait, bust, or statue in recognition of his public services; provided that the portrait, bust, or statue is not intended for presentation to the officer concerned.

7. The participation of Government officers in the raising of funds for the foundation of scholarships, or for procuring a portrait, bust, or statue as a spontaneous recognition of the services of a Government officer is not forbidden; but it should be clearly understood that any solicitation on the part of officers of Government for subscriptions from any person who does not voluntarily come forward to contribute is disapproved by the Government of India.

8. The previous sanction of the Government of India must be obtained to the relaxation of these rules in any special case in which the Local Government or Administration may think this desirable.

(a) Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Government of Burma.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Assam.
Chief Commissioner of Coorg.
Resident at Hyderabad.

(b) Foreign Department.
Financial Department.
Military Department.
Public Works Department
Legislative Department.
Department of Revenue and Agriculture.

(c) Superintendent of Port Blair.
Director-General of the Indian Medical Service.
Sanitary Commissioner with the Government of India.
Secretary to the Board of Examiners.
Registrar of the Calcutta University.
Bishop's Chaplain.
Registrar, High Court, Calcutta.
Officer in charge of the Records of the Government of India.

ORDER.—Ordered, that a copy of this Resolution be forwarded to (a) all Local Governments and Administrations, (b) all Department of the Government of India, and (c) all Heads of Departments subordinate to the Home Department, and that the Resolution be published in the *Gazette of India* for general information.

True Extract]

J. P. HEWETT,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 19, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 14TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 11th May 1898.

No. 596.—The services of the undermentioned officers are replaced at the disposal of the Government of the Punjab, with effect from the dates on which they respectively assumed charge of their duties :—

Surgeon-Captain W. R. Clark, I. M. S. (Bengal).

Surgeon-Captain A. Coleman, I. M. S. (Bengal).

Surgeon-Captain A. W. T. Buist-Sparks, M. B., I. M. S. (Bengal).

ECCLESIASTICAL.

The 12th May 1898.

No. 199.—The services of the Reverend W. Thomson, a probationary Chaplain of the Church of Scotland on the Bengal Establishment, are placed at the disposal of the Government of the Punjab, with effect from the 26th March 1898.

J. P. HEWETT,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 9th May 1898.

No. 1914-*F.*—The services of Lieutenant D. B. Blakeway, an Assistant Commissioner of the 3rd Grade in the Punjab Commission, are replaced at the disposal of the Government of the Punjab, with effect from the date he relinquished charge of his political duties with the Tirah Expeditionary Force.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 13th May 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 537.—*1st Punjab Volunteer Rifles*—

George Meredyth Young, Gentleman, to be Lieutenant, to complete the establishment.

Frederick Crighton Waller, Gentleman, to be Second-Lieutenant, *vice* Yeoman, transferred to the supernumerary list.

No. 538.—*2nd Punjab (Simla) Volunteer Rifles*—

Lieutenant B. G. Beard resigns his commission.

MEDALS AND DECORATIONS.

No. 544.—The undermentioned members of the Volunteer Force are granted the volunteer long-service medal under the provisions of clause 152, India Army Circulars of 1895 :—

* * * * * * *

1st Punjab Volunteer Rifles.

Color-Sergeant J. S. Aldwell.

Corporal H. M. Aldwell.

Volunteer C. Sharpe.

* * * * * * *

North-Western Railway Volunteer Rifles.

Quartermaster-Sergeant J. Patterson.

Sergeant W. Cooper.

Volunteer J. Mason.

* * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 26, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 14TH, 1898.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 9th May 1898.

No 201.—The following promotions are ordered in the Superior Accounts Branch:—

Names.	From	To	Nature of promotion.	With effect from
* *	* * *	* * *	* *	* *
Jai Kishen	Deputy Examiner, Class II (*new classification*).	Deputy Examiner, Class I (*new classification*).	Temporary ...	5th April 1898.
* *	* *	* * *	* *	* *

F. R. UPCOTT,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MAY 21ST, 1898.

STAR OF INDIA.

NOTIFICATION.

Simla, the 21st May, 1898.

No. 46-*S.I.*—His Excellency the Grand Master of the Most Exalted Order of the Star of India is pleased to announce that Her Majesty the Queen, Empress of India, has been graciously pleased to make the following appointments to the said Order :—

To be a Knight Grand Commander.

His Highness Farzand-i-Khas-i-Daulat-i-Inglishia Mansur-i-Zaman Amir-ul-Umara Maharaja-Dhiraj Rajeshwar Sri Maharaja-i-Rajagan Rajindra Singh Mahindra Bahadur, of Patiala.

* * * * * *

To be Companions.

* * * * * *

Colonel Maule Campbell Brackenbury, Royal Engineers, Manager of the North-Western Railway.

* * * * * *

Lucas White King, Esquire, Indian Civil Service, Deputy Commissioner, Kohat, lately on special duty with the Tirah Expeditionary Force.

* * * * * *

By Order of the Grand Master,

W. J. CUNINGHAM,

Secretary to the Most Exalted Order of the Star of India.

INDIAN EMPIRE.

NOTIFICATION.

Simla, the 21st May, 1898.

No. 72-*I. E.*—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that Her Majesty the Queen, Empress of India, has been graciously pleased to make the following appointments to the said Order :—

To be Knights Commanders.

* * * * * *

Colonel Robert Warburton, C. S. I., Indian Staff Corps, lately on special duty with the Tirah Expeditionary Force.

To be Companions.

* * * * * *

Edward Fountaine Jacob, Esquire, A. M. I. C. E., Traffic Superintendent of the North-Western Railway.

Major Robert Irvin Scallon, D. S. O., Indian Staff Corps, Inspecting Officer, Punjab Imperial Service Infantry.

Lieutenant Kunwar Bir Bikram Singh, of Sirmur, Commandant of the Sirmur Imperial Service Sappers.

Lieutenant Alfred Beckett Minchin, Indian Staff Corps, lately Assistant Political Agent for Dir and Swat.

William Taylor VanSomeren, Esquire, lately Chief Superintendent of Post Offices with the Tirah Expeditionary Force.

* * * * * *

By Order of the Grand Master,

W. J. CUNINGHAM,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st May, 1898.

No 1404-*I.-A.*—Her Majesty the Queen, Empress of India, has been graciously pleased to grant, as a personal distinction, an addition of two guns to the salute of thirteen guns at present enjoyed by His Highness Farzand-i-Arjumand Akidat Paiwand Daulat-i-Inglishia Barar Bans Sarmur Raja-i-Rajagan Raja Sir Hira Singh Malwandar Bahadur, G. C.S.I., of Nabha.

No. 1410-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Hakim Abdul Majid Khan, of Delhi, the title of Hazik-ul-Mulk as a personal distinction.

No. 1412-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur as a personal distinction upon—

* * * * * *

Ata Muhammad Khan, Subadar-Major, of the Kurram Militia.

Abdul Quayyum Khan, lately on special duty with the Chief Political Officer of the Tirah Expeditionary Force.

Sayyad Sikandar Shah, of Jarma in the Kohat District.

* * * * * *

No. 1414-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur as a personal distinction upon—

* * * * * *

Babu Kali Prosono Roy, Pleader, Lahore.

Dr. Fateh Chand, M. D., Uncovenanted Medical Officer in the Punjab.

* * * * * *

No. 1416-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib as a personal distinction upon—

* * * * * *

Chaudhri Allah Yar Khan, Karyal, of the Shahpur District in the Punjab.

Mian Fateh Muhammad, Makwal, Honorary Magistrate of the Dera Ghazi Khan District in the Punjab.

Alam Khan, of Kotla Nihang in the Umballa District in the Punjab.

Ghulam Sarwar, Contractor, of Peshawar.

* * * * * *

No. 1418 *I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib as a personal distinction upon—

* * * * * *

Lala Jugal Kishore, late Joint Secretary of the Executive Committee of the Indian Famine Charitable Relief Fund, Delhi.

Lala Durga Parshad, retired Extra Assistant Commissioner in the Punjab.

* * * * * *

No. 1419-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Munshi Tara Singh, Tahsildar in the Punjab, the title of Sardar as a personal distinction.

W. J. CUNINGHAM,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 19th May, 1898.

No. 404.—The Governor-General in Conucil is pleased to publish the following Rules to be substituted for Rules VII and XI of the Rules published in Home Department Notification No. 2252, dated the 21st August 1888, for the issue of certificates of age and nationality to Natives of of India who are candidates for the examinations for the Indian Civil Service held in England :—

VII.—If the Secretary to Government, Commissioner of a Division, or the highest Political Officer accredited to the State, as the case may be, shall be satisfied by the papers submitted that the candidate has stated the date and place of his birth correctly, he will issue a certificate declarnig that the candidate has submitted the proofs of his birth to the Magistrate of the district or the Political Officer of the State, as the case may be, and has satisfied him that he was actually born on or about the date stated by him, *viz.*, the day of 18 , at , a place within Her Majesty's Dominions. The nature of the evidence produced by the candidate must be stated in the certificate, which shall be given in the following form :—

I hereby certify that , who is a candidate for the Indian Civil Service, has submitted the proofs of his birth detailed* below, and has satisfactorily shown that he was actually born on or about the date stated, *viz.*, the day of 18 , at , a place within Her Majesty's Dominions.

* [Here enter details.]

* * * * * * * * *

XI.—If the Secretary to Government, Commissioner of a Division, or the highest Political Officer accredited to the State, as the case may be, shall be satisfied by the papers submitted that the condidate has stated the date and place of his birth corrrectly, and has established the fact that though born without the limits of Her Majesty's Dominions, he is the son or grandson of a person born in those dominions, he will issue a certificate in the following form stating the nature of the evidence produced regarding the candidate's birth :—

I hereby certify that , who is a candidate for the Indian Civil Service, has submitted the proofs of his birth detailed † below, and has satisfactorily shown that he was actually born on or about the date stated, *viz.*, the day of 18 , and that he was born at , a place without Her Majesty's Dominions, but that he is the son/grandson of a person born in those dominions.

† [Here enter details.]

SANITARY.

The 14th May 1898.

No. 1232.—In exercise of the powers conferred by Section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste paper from Calcutta into any part of British India.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FAMINE.

Simla the 17th May, 1898.

No. 1016-*F*.-31-12.—The following rules for the custody and disposal of unspent balances of the Indian Famine Charitable Relief Fund, 1897, drawn up by the Central Committee of the Fund and approved by the Government of India, are published for general information:—

RULES.

NAME.

1. The Fund shall continue to be known as the Indian Famine Charitable Relief Fund, 1897.

OBJECT.

2. The object of the Fund shall be the alleviation, by grants of money or otherwise, of well authenticated distress from famine, under any of the following heads:—

First,—In supplementing the subsistence ration which alone is provided from public funds, by the addition of small comforts, whether of food or of clothing, for the aged or infirm, for patients in hospitals, for children, and the like.

Secondly,—In providing for the maintenance of orphans.

Thirdly,—In relieving the numerous poor but respectable persons who will endure almost any privation rather than apply for Government relief, accompanied as it must be by official enquiry into, and by some kind of test of the reality of, the destitution which is to be relieved.

Fourthly,—In restoring to their original position, when accute distress is subsiding, those who have lost their all in the struggle, and in giving them a fresh start in life.

FUNDS.

3. The Indian Famine Charitable Relief Fund shall consist—

First,—Of the present unexpended balance of the Indian Famine Charitable Relief Fund, 1897, excluding sums made over to Local Governments for the maintenance of orphans, but including any balance of such sums which may remain with the Local Governments after the relief of such orphans is complete.

Secondly,—Of any unexpended balances of sums collected by or remitted during the famine of 1897 to Provincial or District Committees, which may hereafter be returned to the Committee.

Thirdly,—Any subscriptions which may be hereafter remitted for credit to the Fund.

Fourthly,—Interest on any investment made under Rule 4.

4. When not required for the immediate relief of distress, the money of the Fund shall, to as large an extent as possible, be invested in the purchase of Government securities, which securities shall remain in the custody of the Comptroller-General in whose name they shall stand, and he will hold them under the orders of the Committee.

5. The Comptroller-General is authorised to invest in Government securities the interest that accrues on the securities, of his own motion, unless he receives instructions from the Committee to use it otherwise.

6. A personal Ledger Account for the Fund shall be kept by the Comptroller, India Treasuries.

7. The Comptroller-General shall submit a yearly account to the Honorary Secretary to the Fund.

CONSTITUTION.

8. The control of the Fund shall be vested in a Committee consisting of the following gentlemen, who shall have power to add to their number :—

1. The Chief Justice of Bengal, Chairman.
2. The Member of Council in charge of the Home Department.
3. The President of the Bengal Chamber of Commerce.
4. The President of the British Indian Association.
5. The Honourable A. H. Wallis, while resident in Calcutta.

The Committee may appoint an Honorary Secretary to the Fund.

RELIEF.

9. Funds for the immediate work of relief shall be provided, at the discretion of the Committee, from time to time by the sale of a portion of the securities belonging to the Fund.

10. Should any demand for relief immediately arising out of the famine of 1897 occur, such as for the maintenance of orphans for whom sufficient provision may not have been made, it shall be competent for the Committee to allot such sum of money from the Fund as may be considered sufficient to meet the demands of the case.

11. Upon receipt of information from the Government of India or any Local Government that famine or severe distress is prevalent in any part of British India or any Native State, the Committee shall have authority, with the consent of the Government of India, to expend the whole or any part of the Fund, at their discretion, in the alleviation of distress, in accordance with the provisions of Rule 2.

12. Such expenditure may be incurred either in the form of grants of money to the Local Governments, or the Chief Political Officers of Native States, or in any other way that may be approved by the Committee.

13. If hereafter any fund shall be raised by public subscriptions or otherwise for the relief of famine in India, the Committee shall have authority, if they think fit, to merge the whole or any part of their balance in such fund.

14. When the whole of the assets of the Fund shall have been exhausted, the Fund shall be closed, and the Committee shall dissolve. If any surplus should thereafter be found to remain unexpended, it shall be disposed of under the orders of the Government of India.

GENERAL.

15. The Committee shall publish in the *Gazette of India* in the month of January every year, in such form as it may think fit, a balance sheet of the receipt and expenditure of the Fund, showing the sums, if any, expended under each of the heads set forth in Rule 2.

16. These rules are made and issued with the sanction of the Government of India, and no alteration in them shall be made, except with the approval of the Government of India; but, subject to such approval, the Committee may vary or add to these rules as in their discretion they may deem necessary.

FRANCIS W. MACLEAN,
Chairman.

25th March 1898.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 19th May 1898.

No. 651-*G.*—Mr. W. S. Davis, a Political Assistant of the 3rd (officiating 2nd) class, and Assistant Political Agent for Dir and Swat, is granted privilege leave for one month and five days, with effect from the 1st June, 1898, or the subsequent date on which he may avail himself of the leave.

W. J. CUNINGHAM,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 20th May, 1898.

No. 670-G.

Extract from the Proceedings of the Government of India in the Foreign Department.

Read again—

Extract from the Proceedings of the Government of India in the Foreign Department, No. 2809-P., dated the 15th October 1875.

Extract from the Proceedings of the Government of India in the Foreign Department, No. 1723-G., dated the 2nd July 1883.

Observations.—The Governor-General in Council has had under consideration the procedure connected with the selection of junior military officers for the Political Department of the Government of India and for the Berar Commission. It has been the practice for candidates to send in applications direct to the Secretary in the Foreign Department; and usually all such applications have been accepted. The number of names so registered had recently risen to about 200. The vacancies occurring in the Political Department do not ordinarily exceed an average of three a year, while only one military officer a year is, on the average, nominated to the Berar Commission. A revision of the present system appears therefore highly desirable with the objects —

(i) of preventing, as far as possible, the entertainment of hopes which can never be realised; and

(ii) of obtaining fuller information regarding applicants before their names are registered.

The Governor-General in Council is therefore pleased to publish the following Rules for general information :—

I. For the future all applications by military officers for political employ should be submitted officially through the proper channels with information in the forms published herewith. Such applications will be considered in the Foreign Department, and the candidate will be duly informed, through the military authorities, whether his name has or has not been registered. Officers are not eligible for appointment to the Political Dapartment, nor are they to submit applications for such employment, until they have passed all the prescribed examinations for admission to the Staff Corps. The name of an accepted candidate for the Political Department will be removed from the list, if he obtains any other permanent extra-regimental employ, *e. g.,* in the Bombay Political Department or in the Military Accounts Department.

II. The names of officers with more than seven years' service will be struck off the existing list of candidates. In future names will ordinarily be removed from the list when the candidate completes seven years' army service or attains the age of twenty-seven years.

Urdu and Hindi, Persian. | Pashtu. Arabic. | Russian.

III. In making selections much weight will be given to linguistic attainments, especially in the languages marginally cited.

IV. A military officer selected for the Political Department will be attached, for at least one year, to one of the provinces, as a supernumerary Assistant Commissioner and will be required to pass the tests prescribed for Assistant Commissioners in Law, Revenue and Treasury, or modified forms of those tests. On passing the required tests, which will include examination in a few selected books on political subjects, the officer will, when the course of preliminary training is completed, be posted to an appointment in the Political Department, and will be seconded in his regiment; but his employment in the Department will be regarded as probationary for a further period of two years, during which, in order to become eligible for confirmation, his retention must be recommended by the senior political authority under whom he has been serving, in terms and on grounds which are accepted as sufficient by the Government of India in the Foreign Department.

V. The above procedure and rules apply, *mutatis mutandis*, to military candidates for employment in the Berar Commission, but subject to the following modifications :—

(i) The limits of age and army service will be 30 and 12 years, respectively.

(ii) The only language to which special importance will be attached is Marathi.

(iii) (*a*) The Departmental Examination by the Lower Standard mnst be passed within eighteen months from the date on which the officer joins the Commission.

(*b*) Failure to so pass by the Lower Standard will render the officer liable to be at once reverted to his regiment, but the Resident at Hyderabad may, in special cases and on public grounds, direct his temporary retention for a further period of probation.

(*c*) The Departmental Examination by the Higher Standard must be passed within three years of the date on which an officer joins the Commission. The report of his having thus passed will be submitted to the Government of India in the Foreign Department, accompanied by an expression of the Resident's opinion as to the probationer's general qualifications for civil employ. If this opinion is favourable and is accepted by the Government of India, the officer will be at once confirmed in the Commission, and his name will be struck* off the strength of his regiment with effect from the date on which he passed by the Higher Standard.

*Article 280, Army Regulations, India, Vol. I, Part I.

(*d*) If an officer fails to pass by the Higher Standard within three years of joining the Commission, his services will be immediately replaced at the disposal of the military authorities.

VI. Nothing in the present Resolution is intended to interfere in any way with the absolute discretion of the Governor-General in Council to select for political employ, without reference to age or length of service, any officer whom he may consider specially qualified therefor.

The Resident at Hyderabad.
The Resident in Mysore.
The Agent to the Governor-General in Central India.
The Agent to the Governor-General in Rajputana.
The Agent to the Governor-General in Baluchistan.
The Agent to the Governor-General at Baroda.
The Political Resident in the Persian Gulf.
The Political Resident in Turkish Arabia.
The Resident in Kashmir.
The Chief Secretary to the Government of the Punjab.

Ordered.—That a copy of the above Resolution, with the forms therein referred to, be published for general information in the *Gazette of India*, and that copies be also forwarded for information to the Home and Military Departments and to the officers named in the margin.

[True Extract.]

W. J. CUNINGHAM,

Secre'ary to the Government of India.

A.

Information to be supplied by a military candidate for Political employ.

1. Name and profession of father ...	1.
2. Date of candidate's birth ...	2.
3. Where educated	3.
4. Language qualifications, stating degree of proficiency and examinations (if any) passed in each.	4.
5. Brief statement of how and where army service has been passed.	5.
6. Particulars as to any active service in the field.	6.
7. Whether married or single ...	7.
8. Names of any near relatives who have served or are serving in India.	8.
9. Names of persons, other than immediate Military superiors, who can testify to character and qualifications.	9.

B.

Information to be supplied by the Officer Commanding——————Regiment respecting Lieutenant——————, an applicant for Political employ.

(This form should be forwarded through the proper channel, for transmission with remarks to the Secretary to the Government of India in the Military Department by whom it will be transferred to the Secretary to the Government of India in the Foreign Department.)

1. How long have you been acquainted with Lieutenant ?	1.
*2. Would you recommend him for the appointment of Adjutant?	2.
*3. Do you consider him suited for Staff employ?	3.
*4. Is he popular—	4.—
(a) with his brother British officers and in society generally?	(a)
(b) with the Native ranks?	(b)
*5. Do you consider that he shows tact in dealings with Natives of India?	5.
6. Give the Medical Officer's opinion respecting his physique and general health.	6.
7. Is he of active habits and proficient in field sports?	7.
8. Is he a good, bad or indifferent horseman?	8.
*9. Do you consider him to be in general ability above, up to, or under the average of his rank and service?	9.
10. Has Lieutenant in any way specially distinguished himself?	10.
*11. Add any general remarks you may have to offer in respect to his ability, character, &c.	11.

*It will be convenient if reasons are given for the replies to these questions, which should be answered in some detail.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

OPIUM.

Simla, the 18th May, 1898.

No. 2307-*Ex.*—In exercise of the power conferred by section 6 of the Opium Act, 1878 (I of 1878), and in supersession of the Notification in this Department, No. 1546, dated the 22nd March 1889, the Governor-General in Council is pleased to direct that duty at the rate of Rs. 280 shall be levied, with effect from the 1st April 1898, on each chest of Malwa Opium of 140½ lb. avoirdupois net weight, imported into the Punjab through Ajmere.

ACCOUNTS AND FINANCE.

SAVINGS BANKS.

No. 2339-*A*.

The 19*th May*, 1898.

RESOLUTION.—By the Government of India, Finance and Commerce Department.

Read again the undermentioned Resolutions in this Department :—

(1) No. 2270-A., dated the 18th May 1895, prescribing revised rules for the guidance of depositors in the Post Office Savings Banks.

(2) No. 1968-A., dated the 4th May 1896, amending clause (*a*) of Rule 42 of the rules.

RESOLUTION.—The Governor-General in Council is pleased to sanction the following further alteration in the rules :—

For the amended clause (*a*) of rule 42, the following shall be substituted :—

"(*a*) Government servants, servants of local authorities and of Courts of Wards who are required by their employers to deposit security, contractors who are required by Government or local authorities to deposit security, and persons who are authorised under section 202 of the Sea Customs Act, VIII of 1878, to act as Agents for the transaction of business in any Custom House on behalf of the public and are required under that section to deposit security, may be allowed separate accounts for the security deposits only."

ORDER.—Ordered that this Resolution be communicated to the Government of Bengal in the Financial Department, with reference to the letter from that Government, No. 2790-S. R., dated the 7th May 1898; to the Director-General of the Post Office of India; to the Comptroller and Auditor-General; and to the Comptroller, Post Office.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

STEPHEN JACOB,

Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 2, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 28TH, 1898.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 27th May, 1898.

No. 682.—The services of the undermentioned officers are replaced at the disposal of the Government of the Punjab, with effect from the dates on which they respectively assumed charge of their duties :—

Surgeon-Captain H. Smith, M. D., M. CH., I. M. S. (Bengal).

Surgeon-Captain G. Y. C. Hunter, I. M. S. (Bengal).

J. P. HEWETT,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 26th May, 1898.

No. 2085 *F.*—Whereas the Governor-General in Council has power and jurisdiction within the territory of Kurram : In exercise of such jurisdiction and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to add, with

effect from the 26th day of April, 1898, unnatural offences as described in Section 377 of the Indian Penal Code, to the list of offences published in the Notification of the Government of India in the Foreign Department, No. 1808-F., dated the 14th August, 1894.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

[To be substituted for the Resolution bearing the same No. and date.]

ACCOUNTS AND FINANCE.

SAVINGS BANKS.

No. 2339-*A*.

Simla, the 19*th May,* 1898.

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read again the undermentioned Resolutions in this Department :—

(1) No. 2270-A., dated the 18th May 1895, prescribing revised rules for the guidance of depositors in the Post Office Savings Banks.

(2) No. 1968 A., dated the 4th May 1896, and No. 709-A., dated the 12th February 1897, amending clause (*a*) of Rule 42 of the rules.

RESOLUTION.—The Governor-General in Council is pleased to sanction the following further alteration in the rules :—

For the amended clause (*a*) of Rule 42, the following shall be substituted :—

" (*a*) Government servants, servants of Railway Companies, of local authorities and of Courts of Wards who are required by their employers to deposit security, contractors who are required by Government or local authorities to deposit security, and persons who are authorised under Section 202 of the Sea Customs Act, VIII of 1878, to act as Agents for the transaction of business in any Custom House on behalf of the public and are required under that section to deposit security, may be allowed separate accounts for the security deposits only."

ORDER.—Ordered that this Resolution be communicated to the Government of Bengal in the Financial Department, with reference to the letter from that Government, No. 2790-S. R., dated the 7th May 1898 ; to the Director-General of the Post Office of India ; to the Comptroller and Auditor-General ; and to the Comptroller, Post Office.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

STATISTICS AND COMMERCE.

CUSTOMS.

The 28*th May,* 1898.

No. 2434-*S. R.*—In exercise of the power conferred by Section 22 of the Sea Customs Act, VIII of 1878, and in supersession of the values fixed in columns 3 and 4 of Schedule IV (Import Tariff) of the Indian Tariff Act, VIII of 1894, as amended by Acts XVI

of 1894 and III of 1896, for the article specified in column 1 of the schedule hereto annexed, the Governor-General in Council is pleased to fix for the said article the value stated in column 4 of the said schedule :—

	1	2	3	4
No. in Tariff Schedule.	Names of Articles.	Per.	Present valuation.	Revised valuation.
			Rs. A.	Rs. A.
	Articles of Food and Drink.			
6	PROVISIONS, OILMAN'S STORES AND GROCERIES—			
	Bacon in canvas and cans, jowls and cheeks. ...	lb.	0 14	0 12

STEPHEN JACOB,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 23rd May, 1898.

No. 233.—The services of Lieutenant B. J. Haslam, R. E., Assistant Engineer, 3rd Grade, Punjab, which were temporarily replaced at the disposal of the Military Department for employment on Field Service, in Public Works Department Notification No. 413, dated 4th October 1897, were replaced at the disposal of the Government of the Punjab, with effect from the 30th April 1898.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 9, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 4TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 30th May 1898.

No. 896.—In exercise of the powers conferred by section 27, clause (*a*), of the Indian Arms Act, 1878, and in modification of the Notification of the Government of India in the Home Department, No. 2173, dated the 15th October 1897, the Governor-General in Council is pleased to withdraw from the operation of all prohibitions and directions contained in section 13 of the said Act, the villages specified below in the Kohat and Hangu Tahsils of the Kohat District in the territories administered by the Lieutenant-Governor of the Punjab :

Tahsil.	Tract.	Villages.
Kohat	Toi, II	1. Mohamedzai.
	Toi, I	2. Nasrat Khel.
		3. Mansur Khel.
		4. Jangal Khel.
		5. Pir Khel.
	China Payan	6. Marai Bala.
		7. Marai Payan.
		8. Jangal Mir Asghar Mela.
		9. Landi.
		10. Torwari.
		11. Musa Khel.
		12. Ustarzai Bala.
		13. Ustarzai Payan.
		14. Sherkot.
		15. Khadizai.
		16. Darwi Khel.
		17. Alizai.
Hangu	China Bala	18. Ibrahimzai.
		19. Bahar Mela.
		20. Rais.

JUDICIAL.

The 1st June 1898.

No. 664.—Under the provisions of section 4 of the Punjab Courts Act (XVIII of 1884), as amended by Act XIX of 1895, the Governor-General in Council is pleased to appoint Mr. J. A. Anderson, of the Indian Civil Service, to officiate as a Judge of the Chief Court, Punjab, during the absence on leave of Mr. A. W. Stogdon or until further orders.

J. P. HEWETT,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 1st June 1898.

No. 2464-*S. R.*—The Governor-General in Council is pleased to appoint the Deputy Commissioner of Kohat to be *ex-officio* a Deputy Commissioner of the Northern India Salt Revenue.

No. 2466-*S. R.*—Mr. J. S. McGowan, Superintendent, Northern India Salt Revenue, is appointed Assistant Commissioner, Northern India Salt Revenue, with effect from 1st April 1898, and is posted to the charge of the Kohat Mines.

STEPHEN JACOB,

Offg. Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 27th May 1898.

No. 8.—The services of No. 633 Military Hospital Assistant Shiurakhan Lal, of the Indian Subordinate Medical Department, Bengal Establishment, attached to No. 18 (Himalaya) Survey Party, Simla, are temporarily placed at the disposal of the Government of the Punjab for inspection duty.

R. HARVEY, *M. D.*,

Offg. Director-General, Indian Medical Service.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 16, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 11TH JUNE 1898.

No. 2587-S. R.

GOVERNMENT OF INDIA, FINANCE AND COMMERCE DEPARTMENT.

ACCOUNTS AND FINANCE.

STORES.

RESOLUTION.

Simla, the 9th June 1898.

READ again the Resolutions of the Government of India cited below stating the conditions on which articles of iron and steel made in India may be purchased for the public service :—

(1) In the Finance and Commerce Department, No. 2650, dated the 25th June 1891.

(2) In the Public Works Department, No. 226-M., dated the 14th June 1892.

(3) In the Finance and Commerce Department, No. 1426-S. R., dated the 25th March 1895.

Read also the correspondence cited below relating to objections taken by certain manufacturing firms in India to some of the conditions and limitations prescribed in the Resolutions cited above :—

(1) Despatch from the Government of India in the Finance and Commerce Department, to the Secretary of State for India, No. 113, dated the 8th May 1895.

(2) Despatch from the Secretary of State for India (with enclosures), to the Government of India, No. 15 (Financial—Stores), dated the 21st November 1895

(3) Despatch from the Government of India in the Finance and Commerce Department, to the Secretary of State for India, No. 65, dated the 11th March 1896.

(4) Letter (with its enclosures) No. 50-W., dated the 5th October 1896, from the Secretary of the Engineering and Iron Trades Association, Calcutta.

The Governor-General in Council has decided, after careful consideration, (*a*) that the list of articles of iron and steel manufactured in India from imported material, which may be purchased locally, may be considerably extended, and (*b*) that the condition limiting such purchases to articles, the certain want of which could not be anticipated and the delay in the supply of which might involve loss may be dispensed with.

2. His Excellency in Council is accordingly pleased to direct that the portions of Resolution No. 2650 of June 25th, 1891, and of Resolution No. 1426 of March 25th, 1895, which impose the condition mentioned in clause (*b*) of the preceding paragraph, shall be cancelled.

3. Articles required for State Railways under construction shall continue, as at present, to be supplied by indent on England as a general rule, and in the absence of the express permission of the Government of India to purchase locally; and the same course should be followed in dealing with the first equipment of large Engineering projects other than State Railways. In all other cases supplies of articles of the descriptions specified in the list A appended to this Resolution, manufactured in India from imported materials, may be procured as required in India subject to the following restrictions :—

(*a*) That the firms permitted to tender for supply shall for the present be those specified in Appendix B, the list being subject to revision from time to time.

(*b*) That any firm tendering for the supply of such articles shall state the names of the makers from whom the iron or steel used in the manufacture of each such article was obtained, and shall also state the character and commercial name of the metal.

(*c*) That the raw material and the manufactured articles shall pass the tests prescribed in Appendix C.

(*d*) That the articles supplied as of local manufacture shall not have been imported into India in a finished or partly finished state.

(*e*) That the price is not in excess of that at which similar articles of equal quality could be obtained by indent on the Secretary of State.

(*f*) That the quality of the manufactured article is not inferior to that of English supplies.

4. Nothing in this Resolution is to be taken as interfering with the discretion of Local Governments in regard to the employment of the agency of Government workshops for the manufacture of articles required for the public service or as implying that tenders must be called for in all cases from the firms named, or as restricting the power of officers receiving tenders to reject any or all of them as they may think fit.

5. Nothing in this Resolution is to be read as restricting the purchase locally of articles manufactured in India from material produced in the country or of any articles the certain want of which could not have been anticipated and delay in the supply of which might involve loss.

ORDER.—Ordered that this Resolution be communicated to the Local Governments and Administrations, noted on the margin, for information and guidance.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, Punjab, and Burma.
The Chief Commissioners of the Central Provinces, Assam, Mysore, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General in Central India, Rájpútána, and Balúchistán.

Ordered also, that copy be forwarded to the Military and Public Works Departments, and that it be published in the Supplement to the *Gazette of India*.

STEPHEN JACOB,

Offg. Secretary to the Government of India.

APPENDIX A.

List of articles which may be made up in India from imported raw material, subject to the restrictions specified in paragraph 3 of the Resolution.

Roof trusses of any span, with purlins, etc.
Cast-iron columns of any size.
Curved roofs of galvanised corrugated-iron sheets.
Iron work for timber trusses.
Cast-iron and galvanised wrought-iron gutters and rain-water pipes.
Road bridges of spans up to 150 feet.
Railway bridges of spans up to 80 feet.
Overbridges for railways.
Well curbs.
Caissons.
Suspension rods and bond rings for wells.
Buckled and arched plates for bridge flooring.
Cast-iron cylinders for bridge piers.
Wrought and cast-iron screw piles for piers and jetties.
Superstructure iron work for piers and jetties.
Hydraulic bridge and lock gear.
Dredgers of all sizes.
Iron work for timber bridges.
Petty iron work, such as pile shoes and rings, holding-down bolts, etc.
River steamers and flats.
Steam launches.
Lighters and barges.
Horizontal and vertical steam-boilers, constructed under Government inspection.
Iron chimneys, with cast-iron base plates.
Shafting, wall boxes, plumber blocks, and driving pulleys.
Cast-iron sockets and anchor plates for telegraph posts.
Brackets and spandrils of cast-iron.
Castings for general purposes.
Forgings of iron and steel.
Pit-head gear.
Pumps.
Looms.
Ploughs and agricultural implements.
Safes, treasure chests, and treasury doors.
Buoys.
Culvert pipes of galvanised corrugated-iron.
Boring tools.
Latrines.
Carts for conservancy and road watering.
Railings and gates of wrought and cast-iron.
Tanks " "
Lamp-posts, cast-iron.
Sluice gates and frames of wrought or cast-iron, with lifting gear; also iron work and gear for timber gates.
Stand posts and equipment for water-works.
Hose couplings and hand pipes.
Air valves.
Lifting machinery, crab winches, pulley blocks.
Water wheels.

Windmills.

Road rollers, not including steam road rollers.

All parts of wire fencing except the wire.

Signals and interlooking gear.

Signal winches.

Workshop stores, when urgently required.

Trollies, material and inspection.

Trolly wheels and axles.

Mining tubs and buckets.

Asphalte boilers.

Smith's fires, cast-iron cupolas.

Iron cisterns.

Dobbin carts.

Hand pipe driving engines (all necessary iron work).

Grapnels and anchors.

Small mortar mills.

Concrete skips.

Small cupolas.

Hand foundry ladles.

Cold and hot sets of chisels.

Rivetters' and blacksmiths' tools.

Platelayers' tools.

Contractors' pumps.

APPENDIX B.

List of firms entitled to tender for the supply of articles of iron and steel of local manufacture.

IN THE BENGAL PRESIDENCY.

1. The Bengal Iron and Steel Company, Limited, Barrakar.

2.	Messrs.	Burn & Co.	of Calcutta.
3.	"	Jessop & Co.	
4.	"	John King & Co.	
5.	"	Parry & Co.	
6.	"	Ahmuty & Co.	
7.	"	Martin & Co.	

IN THE BOMBAY PRESIDENCY.

8.	Messrs.	G. Gahagan & Co.	of Bombay.
9.	"	Richardson & Cruddas	
10.	"	Cosser & Co.	of Karachi.
11.	"	McKenzie & Co.	

IN THE MADRAS PRESIDENCY.

12.	Messrs.	Massey & Co.	of Madras.
13.	"	Oakes & Co.	
14.	"	Borham & Co.	

IN BURMA.

15. Mr. D. D. Coath, A.M.I.C.E., Rangoon Foundry.
16. The Irrawaddy Flotilla Company, Limited.

IN THE NORTH-WESTERN PROVINCES.

17. Messrs. T. Crowley & Co. of Allahabad.

APPENDIX C.

SPECIFICATION OF WROUGHT-IRON WORK OF BRIDGES, TRUSSES, &C.

Materials.

The wrought-iron is to be well and cleanly rolled to the full sections shown on the drawing or in the specification, and free from scales, blisters, laminations, cracked edges and defects of every sort, and the name of the maker is to be rolled or stamped on every piece.

2. It must be of such strength and quality as to be equal to the following tensional strains, and to indicate the following percentages of contraction of the tested area at the point of fracture, and percentages of elongation :—

	Tensional stresses per square inch.	Percentage of contraction of fractured area.	Percentages of elongations in a length of 10 inches.
	Tons.		
Round and square bars and flat bars under 6 inches wide	24	20	15
Angle T or other bars, and flat bars 6 inches wide and upwards	22	15	12
Plates	21	10	8
Plates across grain	18	5	4

The rivet iron must be of such a quality that any rivet will stand the following tests without showing signs of failure :—

Bending double upon itself whilst cold.

Bending double upon itself whilst red hot.

The shank being nicked whilst cold and bent double, showing the fibre of the iron to be of good quality.

Flattening down the head whilst red hot until its diameter is equal to 2½ times that of the shank, without showing any signs of cracking at the edges.

Punching through the shank when at a red heat, with a taper punch, a round hole the diameter of the rivet, without showing signs of cracking or splitting.

The tests are to be conducted at the works of the contractor or elsewhere or both, as may be determined by the Inspecting Officer. The expense of the tests is to be borne as provided for in the conditions of contract.

No material is to be used which, in the opinion of the Inspecting Officer, falls short of the tests and other requirements of the specification, and no iron except of British or Indian manufacture is to be used throughout the contract.

Firms tendering are required to submit with their tenders the names of the manufacturers, and the market name of the iron they propose to use.

Manufacture.

3. It is to be expressly understood that the greatest accuracy is to be observed in every part of the work, a main object of the designs being to facilitate as much as possible the erection of the work by perfection of workmanship. All corresponding parts of all spans or trusses must be made exactly similar and interchangeable.

4. All plates and bars must be rolled to the full sections, and the angle T channel or other bars to the full widths and weights per foot, shown on the drawings. All bars which do not hold their full widths and weights from end to end, or which have rough, jagged, or imperfect edges or ends, will be rejected.

5. All plates, flat bars, and angle T channel or other bars must be carefully levelled and straightened (the angle T channel or other bars by pressure and not by hammering) before and after they are punched or drilled. All edges of all plates, and the ends of all angle irons and bars, must be planed dead true to the dimensions, or, where planing is impossible, they must be dressed off fair with hammer, chisel, and file. No rough edges fresh from the shears will be permitted anywhere throughout the work.

6. All rivet holes to be filled in the field are to be *drilled*.

All other rivet holes may be either drilled or punched, at the option of the Contractor, but any plate or bar in which the holes are not accurately in place will be rejected. The holes through which any one rivet passes must correspond in any number of plates or bars.

Although the word "rivets" may be used on the drawings, the rivet *holes* are to be made the sizes figured, and in no case must the diameter of the rivet be more than $\frac{1}{32}$ inch less than the diameter of the whole it has to fill. All loose rivets, and rivets with cracked, badly formed, or deficient heads, must be cut out and replaced by others. Rivets must also be cut out when required for the examination of the work. All work intended to be riveted or bolted together must be absolutely in contact all over the whole surface.

All rivets, unless otherwise specified, are to be cup-headed at each end, and the heads are to contain not less than $1\frac{1}{4}$ diameters of the rivet.

Whenever necessary for the division of the work for transport, the rivets are to be left out, but the holes in all cases must be drilled ready for riveting, and all the requisite rivets, including the spare rivets, must be sent with the iron work.

7. In all cover plates, except in webs of plate girders, the fibre of the iron must run in the direction of the length of the span.

All plates must be shaped to the full sizes shown on the drawings, and any plate in which the rivet holes have been drilled nearer to the edge than shown on the drawings will be rejected.

Where cover plates are used to connect plates of different thicknesses, so much of the covers must be planed down as will make them fit fairly over the joint, no packing plates being allowed. The figured dimensions on the drawings show the different thicknesses after the cover plates have been planed down.

8. The main girders of all spans above 20 feet are to be built with a camber in the are of a circle, the upper members being proportionately longer than the lower. The extent of the camber is in each case figured on the drawing.

The ends of all plates, etc., must be chipped and filed so as to butt with perfect accuracy over the whole of the meeting surfaces to the true radius necessary for the specified camber, and any joint which fails to form a perfect butt all over will involve the rejection of the length or lengths of the members which cannot be made to fit without being shortened.

Girders of 20 feet span and under are to be without camber.

9. The underside of the bearing plates of all main girders must be perfectly level and the rivets countersunk.

All bed plates are to be absolutely flat, and the guiding edges planed and truly parallel.

10. All bolts are to be screwed to Whitworth's standard thread, and all nuts must fit too tightly to be turned by hand. The heads and nuts for all timber bolts (except where otherwise shown on the drawings) and service bolts are to be square; for other bolts they are to be hexagonal.

The head and body of all bolts are to be forged out of one piece of rod or bar iron. All bolts are to be screwed for a length of three diameters.

Completion of Work and Erection.

11. All the spans are to be temporarily erected complete, so that accuracy of fit and perfection of workmanship may be assured.

As the work is erected, all the holes which are left to be riveted in the field must be filled at one and the same time by temporary bolts $\frac{1}{16}$ inch less in diameter than the holes which they fill firmly screwed or keyed up. It will not be sufficient that bolts shall be placed in a certain number of holes only at a time, nor will it be sufficient that only such a number of bolts shall be inserted as may temporarily hold the span together.

Painting, Marking, &c.

12. The whole of the iron work, with the exception of the bolts and rivets, is to be scraped perfectly free from rust, scale, and dirt, and then brushed all over with boiling hot linseed oil. It is afterwards to be painted with two coats of good oil paint, the first being of red lead and the second of Roman ochre, or other colours to be specially approved by the Inspecting Officer. Wherever plates or bars are to be riveted together, the surfaces that will be in contact are to be thoroughly cleaned immediately before plating, and one of them is to be covered with a good coat of red lead paint.

One end of every case is to be painted the same colour as the span for which its contents are intended.

The bolts (including the service bolts) and rivets are to be heated to the temperature of melted lead, and then dipped into boiled linseed oil.

13. Every portion of every span is to be very distinctly stencilled with paint and marked with the punch for guidance in erection and every piece or bundle of iron is to be similarly marked, and every packing case branded, with such marks as the Inspecting Officer may require.

All parts of the work are to be stamped with the letters "I. S. R." or such other letters as may be ordered.

A neat casting bearing the name of the manufacturer, with place and date of manufacture, is to be bolted conspicuously on every span of main girders, and on every truss.

SPECIFICATION OF STEEL WORK FOR BRIDGES, TRUSSES, ETC.

Materials.

The steel is to be well and cleanly rolled to the full sections shown on the drawings or named in the specification, and free from scales, blisters, laminations, cracked edges, and defects of every sort, and the name of the maker, and the distinguishing number of the plate or bar, are to be rolled or stamped on every piece. The names of the makers from whom it is proposed to obtain the steel are to be submitted for approval to the Inspecting Officer.

2. The steel must be of such strength and quality as to be equal to the following tensional stresses, and to indicate the following percentages of elongation :—

	Tensional stresses per square inch.	Percentages of elongation in a length of 10 inches.
	Tons.	
Steel in plates, either with or across the grain, and in angle or other bars, not less than	27	20
Or more than	31	
Steel rods for rivets and bolts not less than	25	25
Or more than	28	

3. Strips of steel, whether cut lengthwise or crosswise of any plate or bar heated to a low cherry red, and cooled in water at a temperature of 82° Fahrenheit, must stand bending double round a curve of which the diameter is not more than three times the thickness of the piece tested. In addition to this, angle and other bars must stand the test known at Lloyd's as the ram's horn test

4. All rivets and bolts are to be of steel, and the steel used for them must be ingot steel of a special quality, and the rivets and bolts must stand bending double, both hot and cold, and also flattening down from the head, without showing cracks or other defects.

Side and end shearings must be taken as samples from every plate and flat bar and from as many angle, T, channel, and other bars as the Inspecting Officer shall require. At least 20 per cent. of the samples so taken will be tested for tensile strength, and the whole of them for bending in the manner described above; but it is to be distinctly understood that power is reserved to test every plate and bar for tensile strength if the Inspecting Officer thinks fit; also that such power will be exercised in the event of there being in his opinion any indication that the material supplied is not equal in every respect to the requirements or intentions of this specification. For this purpose each sample must bear a number stamped to the satisfaction of the Inspecting Officer corresponding to the plate or bar from which it is taken, and all samples must be kept until the completion of the contract.

In addition to the above tests, samples of the steel supplied for use will be from time to time chemically examined; and should such examination show the presence of silicon, phosphorus, or sulphur to a greater extent than 0·06 per cent. of any one of them, no further supplies of steel will be accepted from the makers of the bad sample until the Inspecting Officer is satisfied that in future supplies the percentages of silicon, phosphorus, and sulphur will be reduced so as not to exceed the maximum limit.

The above tests are to be conducted at the works of the contractor or elsewhere, or both as may be determined by the Inspecting Officer. The expense of the tests and analysis is to be borne as provided for in the conditions of contract.

No plate or bar is to be annealed or otherwise manipulated after leaving the rolls without the special authority of the Inspecting Officer and his approval of the process employed, and when annealing is permitted, the test pieces are not to be cut off till the annealing is completed.

No material is to be used which, in the opinion of the Inspecting Officer, falls short of the tests and other requirements of the specification.

Firms tendering are required to submit with their tender the names of the makers from whom they propose to obtain the steel, and the character of the steel to be employed, *i.e.*, whether Bessemer acid or Open Hearth acid. The latter is preferred. Basic steel will not be accepted for girder or roof wo·k. In the event of the acceptance of their tender, it will be upon the understanding that the steel will actually be obtained from such firms, unless written permission be given to the contrary.

Manufacture.

5. All plates and bars must be carefully levelled and straightened (*by pressure, and not by hammering*) before and after they are punched or drilled. Every sheared edge, whether of a plate or bar, must have at least $\frac{1}{8}$th of an inch taken off it by machine or by the chisel, and any plate or bar too small to leave $\frac{1}{8}$th of an inch for planing or chipping on every sheared edge will be rejected.

6. All holes are to be drilled, but the contractor may, if he think proper, first punch a smaller hole of such diameter in each case as to leave at least $\frac{1}{8}$th inch of material all round to be subsequently drilled out; thus the *punched* hole intended to be enlarged to $\frac{3}{4}$ inch must not exceed at the largest end $\frac{1}{2}$ inch in diameter. When punched holes are thus drilled out, the punching must be so accurate that when the work is put together before drilling, a rivet, $\frac{1}{32}$ inch less in diameter than the size of the punched hole, can be easily passed through all the holes. All burrs left by the drill are to be completely removed. All punched holes are to be marked off with a centre punch, and punched with a nipple punch.

All riveting is to be done by hydraulic, steam, or other machines of approved construction, and all rivet heads are to project through the holes before closing not less than $1\frac{3}{8}$ diameters for those closed at the works, and $1\frac{1}{2}$ diameters for those to be closed in the field, a further and sufficient allowance for filling the hole being also made when the rivet passes through more than two plates or bars.

Except when this specification differs from that for wrought-iron work the latter is to be followed.

General Specification for Cast-Iron.

The cast-iron used is to be a mixture of soft grey iron. A proportion of scrap approved by the Inspecting Officer may be used, and no pig iron except of British or Indian manufacture is to be used in any part of the contract. Firms tendering are required to submit with their tenders the names of the manufacturers and the market name of the pig iron which they propose to use.

2. The contractor must cast twice each day from the same metal from which the articles are cast (*a*) two bars 2 inches × 1 inch × 3 feet 6 inches long, cast with the broader side uppermost, and (*b*) two bars exactly 1 inch square in the middle for a length of 1½ inches, with ends of suitable shape for holding in a testing machine.

One of the bars (*a*) must be tested on edge on bearings 3 feet apart, and it must bear a weight of 30 cwts. in the centre without breaking, and must give a deflection of at least 0·3 inch. One of the bars (*b*) is to be tested in a suitable machine, to be approved by the Inspecting Officer, to ascertain the tensile strength of the iron, which must be at least 10 tons per square inch.

The second of each of the bars, (*a*) and (*b*), is to be marked with the date of the casting, and put away for subsequent inspection.

Should either of the two bars, (*a*) or (*b*), tested for transverse or tensile strength, fail to stand the specified tests, all articles cast on any date represented by such tests will be rejected.

3. All castings must agree in dimensions and thickness of metal with the drawings. As a general rule no casting will be accepted which is more than 5 per cent. lighter or more than 10 per cent. heavier than the weight due to the dimensions on the drawings. In the case of articles which are lighter, only the actual weight delivered will be paid for; in the case of articles which are heavier, only the weight due to the dimensions on the drawings will be paid for.

4. All castings must be sharp and clean, free from all blow-holes, honey-combing, broken surface, lumps, box parting ridges, and other defects, and when cold must be thoroughly dressed with chisel and file. Immediately after each article is cast, it must be protected in such a manner that its strength may not in any way be diminished by too rapid or unequal cooling. Pipes or columns must be cast vertically, and socket pipes with the socket end downwards.

5. Each casting will have on it the contractor's name (or such abbreviation of it as may be approved), the year, and such other letters as may be required. In addition to this it must have on it marks to show the pattern used, and the month and day on which it was cast.

6. When a large number of similar articles are required, the contractor will, as a rule, be required to supply at least two samples of the articles complete within days from the date of order, and no articles are to be cast for delivery until these two samples have been approved. Where several patterns are used for the same article, each pattern must have on it a distinguishing mark, and a sample cast from each pattern must be supplied and approved.

7. The contractor will be required to supply such templates, gauges, etc., as may, in the opinion of the Inspecting Officer, be necessary for testing the accuracy of the castings. For cast-iron sleepers when a pair of rails of the prescribed pattern are keyed up in them with the standard tiebars, cotters, etc., the gauge must in no case be less than the exact amount prescribed nor exceed the exact amount by more than ⅛th of an inch; for either sleepers or chairs, the inclination of the rail must not vary from that prescribed by more than ½ per cent., that is if the prescribed inclination be 1 in 20, or 5 per cent., it must not be less than 4½ nor exceed 5½ per cent. In the case of pipes or columns, the core must not at any part exceed $\frac{1}{16}$th of an inch out of centre.

8. Cast-iron sleepers or chairs will be subjected to a drop test as follows. A piece of rail, 18 inches long, is to be keyed up in the sleeper or chair, the chair will be secured to a sleeper, 3 feet long, 10 inches wide and 5 inches deep, of either teak, sâl, or deodár; the cast-iron sleeper, or the timber sleeper and chair, with the rail fixed in it, will then be laid on a bed of sand, 2 feet thick, supporting the sleeper evenly all over, and laid on a cast-iron bed plate, 8 inches thick. When in position the rail will be struck by a monkey weighing 420 lbs. falling from a height commencing at 2 feet and rising by successive increments of 1 foot up to 7 feet, and whenever any chair or sleeper does not bear these blows without cracking or showing other signs of failure, all the sleepers or chairs cast on the same day will be rejected.

When not less than one per cent. of the total number are tested in this manner the test prescribed in paragraph 2 may be dispensed with.

Pipes or columns are to be tested up to a pressure of 200 lbs. per square inch and whilst under pressure are to be thoroughly sounded with a hammer suitably proportioned to their strength, and should any leakage occur they will be rejected.

When pipes have turned and bored or faced joints a few lengths are to be put together and tested under the above pressure.

Punjab Government Press, Lahore— 16-6-98—550.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 23, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 11TH JUNE 1898.

GOVERNMENT OF INDIA, DEPARTMENT OF REVENUE AND AGRICULTURE.

No. 10.

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture (Inventions and Designs),—dated Simla, 6th June, 1898.

READ—

The appended report by the Secretary under the Inventions and Designs Act, V of 1888, on the working of his office during the calendar year 1897.

RESOLUTION.—Ordered that the report be published for general information in the Supplement to the *Gazette of India*, and forwarded to the Legislative Department and to all Local Governments and Administrations.

[True Extract]
DENZIL IBBETSON,
Secretary to the Government of India.

Annual Report on the working of the Office of Inventions and Designs during 1897.

I have the honour to submit, for the information of the Government of India, the following summary of proceedings in 1897 under the Inventions and Designs Act of 1888.

2. The applications for exclusive privileges numbered four hundred and fifty-one or, if fifty are included, which under a rule temporarily in force were re-numbered and brought on the register a second time without payment of a fresh fee, five hundred and one, as against four hundred and sixty in the previous year and four hundred and seventeen in 1895. One hundred and fifty-seven related to inventions by persons resident in British India and forty-three of these to inventions by natives of the country. There was a small decrease in the class last named, and a slight increase in the number of applications received from Europe, Australia and America,—two hundred and ninety-four as against two hundred and eighty-seven in the previous year. Fifty-one related to bicycles and similar vehicles, twenty-seven to railways, eighteen to the tea trade, fourteen to spinning and weaving machines, as many to the treatment of fibres, thirteen to punkahs and thermantidotes, thirteen to lamps and burners, twelve to cigar-making machines, eleven to the treatment of metals, and the same number to electrical contrivances.

3. One hundred and nineteen applications of 1896 were pending on the first day of the year. Nine of these were abandoned, six were rejected, two were still pending, and leave to file specifications was accorded in the case of the remainder.

As regards the applications of 1897, leave was granted in three hundred and forty-nine instances, eighteen applications were rejected, one was treated as abandoned, and eighty-three, of which sixteen were in the hands of experts, were pending on the 31st December 1897.

4. The references to paid and departmental experts numbered ninety four as against one hundred and seven in 1896. Fees were required in fifteen cases.

5. Three hundred and ninety-two specifications, or eighty more than in the previous year, were filed.

6. Two hundred and fifty-one exclusive privileges were kept alive by payment of the prescribed fees as against two hundred and thirty-six in 1896, and one hundred and seventy-two in 1895.

7. Two hundred and twenty-three privileges ceased.

8. The applications for registering copyright in designs declined from twenty-seven to nineteen. Five of these wers rejected, and one application was pending at the end of the year.

9. The gross revenue rose from Rs. 27,635 to Rs. 31,032. This sum was principally derived from fees paid for the continuance of privileges and for filing specifications.

10. Twelve models were deposited in the Museum.

11. The usual statistics are appended.

APPENDIX.

Statement showing the proceedings under the Inventions and Designs Act of 1888 during the year 1897 as compared with the years 1895 and 1896.

		1897.	1896.	1895.
I.—Applications under Part I of the Act for leave to file a specification.	Number of applications received ...	451*	460	417
	(a) granted	349	308	308
	(b) rejected	18	21	30
	(c) pending	83	119	79
	(d) abandoned	1	12	...
II.—Applications from residents in India and from other persons.	Number of applications from residents in India.	157	173	179
	(a) Natives of India	43	49	42
	(b) Anglo-Indians	144	124	137
	Number of applications from other persons	294	287	238
III.—References to experts ...	Number of applications referred to experts	94	107	127
	(a) on payment of fees	15	22	15
	(b) without payment of fee ...	79	85	112
IV.—Specifications	Number of specifications filed	392	312	320
V.—Applications under Part II for copyright in a design.	Number of applications for the registration of designs.	19	27	40
	Number of designs registered	12	13	15
	" " rejected	5	10	23
	" " pending	1	3	2
	" " abandoned... ...	1	1	...
VI.—Cases involving points of law	Number of cases referred to law officers ...	5	—	5

* Excludes 50 revised applications re-registered without payment of a fresh fee.

Statement showing the proceedings under the Inventions and Designs Act of 1888 *during the year* 1897 *as compared with the years* 1895 *and* 1896—concluded.

		1897.	1896.	1895.
VII.—Privileges kept alive by payment of the prescribed fees.	Number of cases in which exclusive privilege was kept alive.	251	236	172
	(*a*) under clause 4 (*a*) of the fourth schedule.	71	92	75
	(*b*) for the fifth year ...	56	60	42
	(*c*) for the sixth year ...	42	32	41
	(*d*) for the seventh year ...	35	38	14
	(*e*) for the eighth year ...	37	14	...
	(*f*) for the ninth year ...	10	...	...
VIII.—Applications for extension of privileges.	Number of applications received ...	2	1	...
	" " granted ...	1	1	...
IX.—Privileges lapsed ...	Number of cases in which exclusive privileges ceased through non-payment of—	223	226	197
	(*a*) the fee prescribed in clause 4 (*a*) of the fourth schedule.	174	201	171
	(*b*) the fifth year's renewal fee ...	34	11	15
	(*c*) the sixth " " ...	9	9	8
	(*d*) the seventh " " ...	4	5	3
	(*e*) the eighth " " ...	2	...	...
		Rs. A. P.	Rs. A. P.	Rs. A. P.
X.—Income from fees, etc.	Applications under Sections 5 and 15	4,700 0 0	4,650 0 0	4,170 0 0
	Specificatious	11,760 0 0	9,360 0 0	9,600 0 0
	Extension of time	640 0 0	510 0 0	455 0 0
	Continuance of exclusive privilege ...	13,050 0 0	11,950 0 0	8,600 0 0
	Applications under Section 51 ...	190 0 0	270 0 0	400 0 0
	Inspection	80 0 0	117 0 0	76 0 0
	Copying	302 10 0	482 15 0	413 14 0
	Drawings	199 8 0	275 8 0	261 0 0
	Amendment of specifications ...	60 0 0	20 0 0	60 0 0
	Petition under Section 43 ...	50 0 0	...	...
	Total ...	31,032 2 0	27,635 7 0	24,035 14 0
	Refunds ...	135 0 0	174 2 0	60 0 0
	Net total income ...	30,897 2 0	27,461 5 0	23,975 14 0

FROM THE "GAZETTE OF INDIA," DATED 18TH JUNE 1898.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 11th June, 1898.

No. 788.—The services of Surgeon-Lieutenant W. W. Clemesha, M.B., B.S., I.M.S. (Bengal), are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the 10th May 1898.

J. P. HEWETT,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 16th June, 1898.

No. 2284-*F.*—The services of Mr. A. F. D. Cunningham, C.I.E., of the Indian Civil Service, a Commissioner in the Punjab Commission, are replaced at the disposal of the Government of the Punjab, with effect from the 10th June 1898.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 17th June, 1898.

LONDON GAZETTE.

No. 672.—The following extracts are published for general information :—

"*London Gazette,*" *doted the* 20*th May* 1898, *pages* 3165 *to* 3168.

* * * * * * * *

WAR OFFICE;

May 20, 1898.

The Queen has also been graciously pleased to give orders for the following * * * promotions in the Army, in recognition of the services of the undermentioned officers during the recent operations on the North-West Frontier of India. The promotions to bear date 20th May 1898.

* * * * * * * *

MEMORANDA.

* * * * * * * *

Honorary Lieutenant Rajkumar Bir Bikram Singh of Sirmur is granted the honorary rank of Captain.

* * * * * * * *

REWARDS.

ORDER OF BRITISH INDIA.

No. 674.—The Governor-General in Council is pleased to sanction the following promotion in, and admissions to, the Order of British India, as additional members on the Bengal list, of the undermentioned Native officers of Imperial Service Troops in recognition of their services with the Tirah Expeditionary Force, with effect from the 20th May 1898 :—

* * * * * * * *

To the 2nd class, with the title of "Bahadur."

* * * * * * * *

Sardar Sundar Singh, Commandant, 1st Regiment, Patiala Infantry.

Sardar Bahadur Gurnam Singh, Commandant, Jind Infantry.

Sardar Sher Singh, Commandant, Nabha Infantry.

Sardar Mehr Muhammad Khan, Commandant, Maler Kotla Sappers.

LONDON GAZETTE.

No. 675.—The following extracts are published for general information :—

"Supplement to the London Gazette" of the 20th May 1898, *pages* 3229 *and* 3230.

* * * * * * * *

INDIA OFFICE :

May 21, 1898.

The Queen has been graciously pleased to make the following promotions in, and appointments to, the Most Exalted Order of the Star of India :

To be a Knight Grand Commander.

His Highness the Maharaja of Patiala.

* * * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 17th June, 1898.

No. 274.—The following is published for general information :—

No. 99 I., dated Simla, the 16th June 1898.

RESOLUTION—By the Government of India, Public Works Department.

Review of the Revenue Report of Irrigation Works in the Punjab for 1896-97.

Read—

Letter No. 242 A. I., dated 5th February 1898, from the Government of the Punjab, Public Works Department, forwarding the Revenue Report of Irrigation Works in the Punjab for 1896-97 and the Resolution by that Government reviewing the Report.

CAPITAL OUTLAY.

OBSERVATIONS.—The capital expenditure (exclusive of contributions) incurred on these works during the past financial year amounted to nearly 41½ lakhs of rupees, being nearly 2¾ lakhs in excess of that incurred in 1895-96. Of this sum 2 lakhs were expended on Minor Works and the balance on Major Works; and of the latter 28 lakhs were spent on the new Chenab Canal alone, raising the total outlay on this project to 204 lakhs (exclusive of interest charges) and leaving nearly 61 lakhs still to be spent to complete the works. On the Western Jumna Canal 4¾ lakhs were spent chiefly on the new Nardak and Petwar distributaries and on improving the Hánsi Branch. On the Bári Doáb Canal 2⅓ lakhs were spent mainly on the construction of new distributaries for the irrigation of Government waste lands in the Lahore District and remodelling the Kasúr and Sobraon Branch Canals. Nearly one lakh was spent on the Sirhind Canal, chiefly on the construction of permanent outlets on distributaries. On the Swát River Canal 2 lakhs were spent, chiefly on the Trans-Kalpani distributary which was opened for irrigation in April 1897, and large sums were expended on the Jhelum and Ghaggar Canals which were started during the year as Famine Relief Works, the outlay representing the normal value of the work executed.

The total capital expenditure on Major and Minor Imperial Works to the end of 1896-97 including indirect charges amounted to Rs. 8,61,78,528.

Under "Contribution Works" the capital expenditure during the year was Rs. 54,493 and to the end of the year Rs. 1,50,65,158, this being the share of the capital outlay on the Western Jumna and Sirhind Canal systems contributed by Native States for the irrigation of lands in their territories.

MILEAGE OF CHANNELS.

2. The aggregate length of main and branch canals amounted to 4,853 miles at the close of the year, the addition of 67 miles to the total length during the year

being due chiefly to the opening of two branches of the Chenab Canal. There was no increase in the aggregate length of navigable channels which is 386 miles.

The total mileage of distributaries increased from 7,278 miles in March 1896 to 8,007 miles at the close of the year under review, the principal additions being 645 miles of new channels from the two recently opened branches of the Chenab Canal, 64 miles of channels on the Western Jumna Canal, and 16 miles on the Shahpur (Imperial) Canals.

There was no change in the total length—258 miles—of completed canals in Native States, nor was any addition made to the 2,163 miles of distributaries from those canals.

AREA IRRIGATED.

3. The total area irrigated during the year reached the very large total of 4,621,627 acres or 7,221 square miles, of which 456,707 acres or 713½ square miles were in Native States which contributed to the capital cost of the works. This is nearly 22 per cent. in excess of the area irrigated last year, which was the largest on record, and, excluding the area in Native States, is nearly one-fifth of the total cultivated area of the Province as given in the last census report.

The causes which contributed to this gratifying result are stated to be the general scarcity and high prices which prevailed over the greater part of the Province and the scanty rainfall which characterized the seasons. But if, for these reasons, the demand for water was unusually high, the supply of water in the rivers to meet it was unusually low, and the Government of India cannot but regard the success with which the demand was met as affording striking evidence of the high state of efficiency attained in the management of the Punjab Canals. Taking the large canal systems separately, the Sirhind Canal heads the list with an area of 1,338,080 acres, exceeding the previous year's total, which was the highest on record, by 44 per cent. The Western Jumna and Bári Doáb Canals come next with 739,752 acres and 731,942 acres, respectively, and are followed by the Chenab Canal, which, though still incomplete, irrigated 520,279 acres, an area 41 per cent. in excess of that irrigated in the previous year and very nearly double the area—272,000 acres—entered in the forecast of 1891 as the probable area the canal would irrigate in 1896-97. The Swát River Canal eclipsed all previous records with an area of 123,087 acres, and the Sidhnai Canal with 149,454 acres nearly reached its 1893-94 record.

The year was not a favourable one for the Inundation Canals on account of the early cessation of the rains and the absence of high floods, and consequently the area irrigated from them was not above the normal.

Of the total area, including that in Native States, irrigated from all canals, 1,441,408 acres were under wheat, 210,700 under rice, and 555,008 under other cereals; 357,770 under gram, 276,673 under jowár, 127,017 under sugarcane, 537,247 under cotton, and 137,399 under indigo.

The estimated value of the crops irrigated in both British and Native territory exceeds 15 crores of rupees, the value per acre being Rs. 33. The average rate levied for the use of the water, including owner's rate and indirect revenue, was Rs. 3-4-0 or one-tenth of the value of the crop.

4. The Government of India regard with satisfaction the highly successful results attained in the irrigation operations in Native States. The area irrigated from the Patiála branches of the Sirhind Canal far exceeded the irrigation effected in 1895-96, which was nearly double that of any previous year. On the Patiála section of the Sirsa branch, the area irrigated was again in excess of the proportion nominally due to the State, while the profit to the Darbár on collections amounted to 15·9 per cent. on the capital cost against 5·3 per cent. in the previous year.

IRRIGATION DUTY.

5. The figures given in the table in paragraph 10 of the Local Government's Resolution afford further testimony to the success of the efforts made to distribute the water to the utmost advantage. Thus on the Western Jumna Canal the areas irrigated per cubic foot of the volume entering the canal were 103 acres in the *kharíf* and 152 acres in the *rabi* season, as compared with the average for the previous five years of 71 acres and 82 acres, respectively, while on the Sirhind Canal the areas irrigated per cubic foot of water were 77 acres in the *kharíf* and 197 acres in the *rabi* against the average of 38 and 114 acres, respectively.

Instructive as are the figures in this table and in the various statements in the Report giving the duties obtained on individual distributaries of the different canals, the Government of India concur with the remarks made in the latter portion of paragraph 10 of the Resolution regarding the necessity of recording the duties on distributaries more

accurately. They also attach much importance to the training of the native revenue establishment in the measurement of distributary discharges and to reqiuring them to maintain such registers of the volumes of water consumed in their respective sections as will enable these officials to institute a comparison of the quantity of water used with the area of irrigation effected. The Government of India consider that a practical knowledge of the technical points connected with the distribution of canal water should not be confined to the engineering staff. A knowledge of the process of gauging and measuring the flow of water in open channels and through outlets, in a manner sufficiently accurate for practical purposes, is, it is found, readily acquired and applied by the intelligent class of natives composing the canal revenue establishment; and as the first requisite towards a fair distribution of canal water is to have a clear perception of the supply available at any time, it is very desirable to persist in the effective measures already taken in the Punjab to ensure that the establishment in question receive the technical training indicated in the remarks at the end of paragraph 10 of the Local Government's Resolution. With this training they will be much better fitted for the intelligent performance of their duties.

WORKING EXPENSES.

6. The total working expenses for the major works (Imperial) amounted to Rs. 30,87,005 as compared with Rs. 28,40,474 in 1895-96, Rs. 26,50,549 in 1894-95 and Rs. 24,45,060 in 1893-94. The growth of expenditure necessarily follows the development of the Chenab Canal project and the extensions of the Western Jumna Canal. The increased expenditure during the year under review was moderate, considering the very large area irrigated, and much of it is stated to have been due to the increase in fees for collection of revenue.

The rate per acre irrigated has fallen steadily from 1·55 in 1894-95 and 1·12 in 1895-96 to 0·96 in the year under review, and the percentage on gross revenue has dropped to 28·2 from 40 in the previous year and 44·4 in 1894-95.

On the minor works the working expenses were less than in either of the two previous years, though the rate per acre is still somewhat above the normal.

The working expenses of both major and minor works together amounted to 33·6 per cent. of the gross revenue of Rs. 1,25,12,321 realized during the year.

The figures given above do not include the cost of maintaining the works by which irrigation in Native States from the Sirsa Branch of the Western Jumna Canal and from the Sirhind Canal is effected. These States pay a share of the maintenance charges of the Head Works and main canals, as well as the entire cost of maintaining, under the agency of the Public Works Department, those Branch Canals constructed exclusively for irrigation in their territories. The account of these charges is kept separately, under the head "Contribution Works," from those payable from Imperial Revenues. They amounted during the year under review to Rs. 2,75,713 as compared with Rs. 2,68,917 in 1895-96, Rs. 2,30,640 in 1894-95 and Rs. 1,95,681 in 1893-94. In addition to these charges the Native States pay the cost of maintaining subsidiary works under their own agency which amounted during the year to Rs. 1,80,412. The total working expenses for works for irrigation in Native States therefore amounted to Rs. 4,56,125 during the year.

FINANCIAL RESULTS.

7. The financial results of the Punjab Canals in operation during the year may be summarized as follows:

	Capital outlay to end of year.	Net revenue.	Interest charges.	Return on capital outlay.
IMPERIAL WORKS.	Rs.	Rs.	Rs.	Per cent.
Major works	8,41,00,265	78,57,443	31,59,651	9·34
Minor works for which Capital and Revenue Accounts are kept.	18,27,294	2,66,240	...	14·57
Major and minor works	8,59,27,559	83,04,317	...	9·45*
WORKS IN NATIVE STATES (CONTRIBUTION WORKS).	1,50,65,158	9,92,093	...	6·59

*This percentage is based on a net revenue of Rs. 81,23,683 which excludes that derived from the Muzaffargarh and Shahpur (Provincial) Canals for which Capital Accounts are not kept.

The net revenue derived from major works amounted to 78½ lakhs, nearly double that collected in any previous year, and represents a return of 9½ per cent. on the capital outlay. After paying all interest charges these canals contributed nearly 47 lakhs, during the year, to the revenues of the country, the total accumulated net profits amounting to 310 lakhs of rupees.

When it is remembered that one of these works, the Swát River Canal, was constructed not as a productive but as a protective work, and that another large project, the Chenab Canal, is still incomplete, these figures must be regarded as highly satisfactory, and fully justify the claim of the Punjab Irrigation works to be considered as very profitable investments to Government.

Excluding the two canals just mentioned, the five productive works which are in full operation paid nearly 10½ per cent. on the capital outlay incurred on them.

8. Turning to the individual canals, the Swát River Canal exceeded all previous records with a net revenue of Rs. 2,58,959 and a return of 6½ per cent. on its capital cost; but of this about 1½ per cent. is due to arrears of indirect land revenue, amounting to Rs. 58,464, which were credited to the canal for the first time during the year; excluding this receipt the net return may be taken at 5 per cent. The canal has nearly paid off its interest debt, the balance of which was only Rs. 6,9 9,337 at the end of the year.

The Western Jumna Canal exhibits a most satisfactory account. Excluding the Sirsa Branch, it yielded a net revenue of 13½ lakhs. This Branch has, however, cleared its interest debt, and shows a return of over 14 per cent. against 1·39 per cent. in the previous year. The canal as a whole, including the Sirsa Branch, paid a dividend of 11·29 per cent. as compared with 3·28 per cent. in 1895-96. Its value to the State may be judged from the fact that after paying interest charges on the capital invested it has altogether contributed a sum of no less than 319 lakhs to the Imperial Revenues. The clear profit during the year, *i. e.*, the excess of net revenue over the interest charges, amounted to nearly 12 lakhs.

The Bári Doáb Canal established a record by returning nearly 12 per cent. on the capital invested up to the end of the year, the highest pervious dividend being 10·29 in 1895-96. After deducting interest charges, the operations of the year resulted in a clear profit of 14½ lakhs.

On the Sirhind Canal equally favourable results were obtained as compared with the records of previous years, the net revenue amounting to Rs. 20,70,633 equivalent to a return of 8·59 per cent. on the total capital invested as compared with 2·9 per cent. in 1895-96, the clear profit during 1896-97 being 11½ lakhs.

9. But the canal, which exhibits the most interesting results, is the Chenab. Notwithstanding the fact that about half the capital expenditure of the year was on incomplete or undeveloped channels not earning revenue and that the project as a whole is still incomplete, the net revenue during the year amounted to Rs. 13,79,442 equivalent to a profit of 6¾ per cent. on the total capital expenditure (including indirect charges) to the end of the year. The canal has achieved a success far beyond expectations, sanguine as these were. Although the total direct capital expenditure up to the end of the year falls short of that estimated in 1891 by more than 5 lakhs of rupees, the area irrigated has exceeded the area of the forecast by over 91 per cent. The extraordinarily rapid development of the canal is clearly shown by the following comparative statement of the results actually obtained and those forecasted in 1891 :

	Forecast of 1891.	Actuals.
	Rs.	Rs.
Capital outlay, direct and indirect, up to end of 1896-97	2,11,41,454	2,04,31,137
Net revenue in 1896-97	1,80,448	13,79,442
Percentage of net revenue in 1896-97 on capital outlay (direct and indirect) incurred to end of 1896-97	0·85	6·75
Total net revenue to end of 1896-97 ...	−1,11,741	21,58,088
Total interest charges, less total net revenue at end of 1896-97	39,78,810	15,71,039
	Acres.	Acres.
Irrigated area in 1896-97	272,000	520,279

The Government of India regard these results with much satisfaction. Not only has the Chenab Canal been of great use in providing the means of sustenance for thousands of cultivators by fertilizing vast tracts of waste land, but it has already yielded a large return on the money invested in its construction, and bids fair to become in the near future a most reliable source of direct revenue.

10. The minor works as a whole did well and irrigated a slightly larger area than in 1895-96, but the net revenue fell from Rs. 5,26,264 in that year to Rs. 4,46,874 in the year under review, for reasons which are explained in the report and referred to in paragraph 3 of this review. The year was a very unfavourable one for the inundation canals.

GENERAL REMARKS.

11. The benefits conferred on the people by the Punjab Irrigation Works in a year of such general and severe scarcity as that under review can hardly be exaggerated. Rather more than 3½ million acres of food crops were matured by canal water, the amount of edible produce made available being sufficient, allowing 2 people to the acre, to feed more than a quarter of the entire population of the Punjab for twelve months. The value of these food crops is estimated at 1,173 lakhs of rupees, the wheat crop alone being worth 562 lakhs. The total value of other crops such as cotton, indigo, tobacco, &c., is estimated at 336 lakhs and may be assumed to have afforded the means of subsistence to 1½ millions of people for twelve months.

The estimated value of all the crops raised by canal water exceeded by 50 per cent. the total amount of capital invested by both the Government of India and Native States in these canals.

12. The report was received by the Government of India on the 8th February 1898, and as usual bears evidence of careful preparation. It gives a clear record of very extensive and important irrigation operations carried on successfully under unusually difficult and trying conditions.

13. The Resolution concludes with a refernce to the services rendered during the year by Mr. Higham, who vacated the office of Chief Engineer on his promotion to Inspector-General of Irrigation, and by the officers who succeeded him, Lieutenant-Colonel Miller and Mr. Beresford, as well as by the officers of the Department generally, Colonel Jacob being specially mentioned among the latter as discharging his duties with singular devotion and energy. The Government of India concur with the Government of the Punjab in acknowledging the manner in which these officers met the severe strain arising from a year of drought and famine, and by skill and care in the distribution of water contributed so largely to the excellent results recorded in the body of the report.

ORDER.—Ordered that copies of this Review and of the Report and the Resolution by the Punjab Government be forwarded to the Revenue and the Agricultural Department for information.

Ordered, also, that copies of the Review be forwarded to the Government of the Punjab for information and guidance and that copies of the Review and of the Report and Resolution by the Punjab Government be forwarded to the Local Governments and Administrations in the Public Works Department noted on the margin, for information.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh and Burma, Public Works Department.
The Chief Commissioners of the Central Provinces and Coorg.
The Residents at Hyderabad and Mysore.
The Agents to the Governor-General in Central India Rájputána and Baluchistán.

Ordered, further, that the Review and the Resolution by the Punjab Government be published in the *Gazette of India*, and that copies of the Review and of the Report and Resolution by the Punjab Government be forwarded to Her Majesty's Secretary of State for India.

Resolution No. 50 A. I., dated 10th January 1898, by the Honourable the Lieutenant-Governor of the Punjab and its Dependencies on the Revenue Report of Irrigation Works in the Punjab for 1896-97.

READ—

Revenue Report by the Chief Engineer, Irrigation Works, Punjab, for the year ending 31st March 1897.

RESOLUTION.—The direct receipts and expenditure of the Irrigation Department during 1896-97 are summarized below:

Class of Works.		Direct Receipts.	Direct Expenditure. Capital.	Working Expenses.	Total.
		Rs.	Rs.	Rs.	Rs.
Major Irrigation Works	Imperial	1,04,13,194	38,20,743	28,91,775	67,12,518
	Contributions	44,080	54,493	2,75,713	3,30,206
Minor Irrigation Works	Imperial	6,91,505	1,99,270	10,40,548	12,39,818
	Contributions	...	...	...	...
Provincial Canals		33,871	...	36,888	36,888
Grand Total ...		1,11,82,650	40,74,506	42,44,924	83,19,430
Grand Total, 1895-96 ...		74,25,489	38,04,057	40,31,716	78,35,773

In addition to the direct receipts, the indirect revenue credited to the Canals on account of Enhanced Land Revenue amounted to Rs. 13,73,751 against Rs. 13,78,924 in 1895-96.

The expenditure during the year on Famine Relief Works, which was originally incurred from Provincial Funds, amounted to Rs. 6,28,769, of which Rs. 2,09,215 representing the normal value of work done, were transferred to the debit of Imperial Funds. A sum of Rs. 3,039, being expenditure in excess of normal rates on certain works in connection with the Head Works of the Ghaggar Canals which were undertaken as ordinary and not as Famine Works, has, in accordance with clause 1, paragraph 104, Chapter IX, Volume I, Public Works Code, been transferred to 33.—Famine Relief, Provincial. The total expenditure, therefore, due to famine was Rs. 4,22,593, of which Rs. 2,43,000 have been debited to 33.—Famine Relief, Imperial, and Rs. 1,79 593 to 33.—Provincial.

2. The Capital outlay incurred during, and to the end of, the year is shown in the following table:

Budget Head.	Canal.	Capital outlay, Direct and Indirect.	
		During 1896-97.	To end of 1896-97.
		Rs.	Rs.
35—Protective Works	I.—Swát River ...	2,09,378	39,71,837
49—Irrigation Works not chargeable to Revenue.	II.—Western Jumna ...	4,75,308	1,27,34,147
	II A.—Sirsa Branch ...	—421	30,25,900
	III.—Bári Doáb ...	2,31,324	1,79,82,408
	IV.—Sirhind ...	88,948	2,41,18,263
	V.—Chenab ...	28,09,413	2,04,81,137
	VI.—Lower Sohág and Pára.	—1,266	7,12,467
	VII.—Sidhnai ...	30,514	11,24,106
	XIII.—Jhelum ...	96,663	1,07,904
	Total 49 ...	37,30,483	8,02,36,332
43.—Minor Works and Navigation ...	VIII.—Upper Sutlej ...	55,008	7,98,390
	IX.—Lower Sutlej and Chenab.	1,765	1,18,624
	X.—Indus ...	...	7,07,635
	XI.—Shahpur (Imperial)...	3,220	2,02,645
	XIV.—Ghaggar ...	1,43,065	1,43,065
	Total ...	2,03,058	19,70,359
	Total Imperial ...	41,42,919	8,61,78,528
Contributions	II A.—Sirsa Branch ...	20,021	11,24,219
	IV.—Sirhind ...	34,472	1,39,40,939
	Total Contributions ...	54,493	1,50,65,158

The total expenditure under Imperial amounted to Rs. 41,42,919, or Rs. 2,70,550 in excess of that incurred in 1895-96, which was itself a year of more than usual expenditure under this head. The excess is due to increased Capital out'ay on the Swát, Bári Doáb Sirhind, and Chenab Canals, while large sums were also expended on the Jhelum and Ghaggar Canals, which were started during the year as Famine Relief Works. The expenditure on the Chenab Canal alone amounted to Rs. 28,09,413, against Rs. 26,96,235 in the previous year, which was, up to that time, the highest incurred in any year since the completion of the weir in 1892. The increase on the Swát Canal is due to expenditure on the trans-Kalpáni Distributary which was practically completed and opened for irrigation in April 1897. The Capital outlay of Rs. 4,75,308 on the Western Jumna was mainly due to the construction of the Petwár Distributary, practically completed during the year, but its

also includes the cost at normal rates of certain Famine Relief Work, the Nardak Distributary and remodelling Hánsi Branch in this Circle. The sums incurred on the Jhelum and Ghaggar Canals represent the normal values of work carried out for purposes of famine relief, but also includes, in the case of the Jhelum, the cost of survey operations commenced in December 1896.

3. The following table shows the revenue accounts of Major Irrigation Works or Canals, for which interest accounts are maintained :—

Budget Item.	CANAL.	Capital outlay to end of year.	Collections less Refunds.	Working Expenses.	Net Revenue.	Interest Charges.	PERCENTAGE OF NET REVENUE ON CAPITAL OUTLAY.		
							1894 95.	1895-96.	1896-97.
	COLLECTIONS.	Rs.	Rs.	Rs.	Rs.	Rs.			
35	Swát River ...	39,71,837	3,24,662	65,703	2,58,959	1,49,259	5·07	3·90	6·52
49	Western Jumna, including Sirsa.	1,57,60,047	26,22,825	8,43,080	17,79,745	5,91,914	5·39	3·28	11·29
	Bári Doáb ...	1,79,82,408	28,60,407	7,21,839	21,38,568	6,89,041	9·31	10·29	11·89
	Sirhind ...	2,41,18,263	27,93,489	7,22,856	20,70,633	9,15,759	1·53	2·90	8·59
	Chenab ...	2,04,31,137	19,08,387	5,28,945	13,79,442	7,43,328	0·96	4·39	6·75
	Lower Soháq and Pára.	7,12,467	96,312	61,447	34,865	27,425	4·47	9·62	4·89
	Sidhnai ...	11,24,106	3,38,366	1,43,135	1,95,231	42,925	16·16	22·28	17·37
	Total ...	8,01,28,428	1,06,19,786	30,21,302	75,98,484	30,10,392	4·30	5·37	9·48
	Total 35 and 49 ...	8,41,00,265	1,09,44,448	30,87,005	78,57,443	31,59,651	4·33	5·31	9·34
	Total 1895-96 ...	8,02,57,067	70,98,254	28,40,474	42,57,780	30,12,133	...	5·31	...
	ASSESSMENTS.		ASSESSMENTS						
	Total 1896-97 ...	8,41,00,265	1,19,65,346	30,87,005	88,78,341	31,59,651	4·41	8·23	10·55
	Total 1895 96 ...	8,02,57,067	94,44,984	28,40,474	66,04,510	30,12,133	...	8·23	...

This table is usually confined to showing the revenue accounts of the Major Works Canals by *Collections*; that is, the earnings of the Kharíf crop of the year under review and of the Rabi of the previous official year. The revenue by Assessments is exhibited separately by Canals in paragraph 8; but the totals are entered in this table, below the figures by Collections, for purposes of ready comparison.

Referring to the Collections in the table, it will be seen that the net revenue of the seven canals exceeded the interest charges by Rs. 46,97,792 as compared with Rs. 12,45,647 in 1895-96, and Rs. 4,34,432 in 1894-95. The net revenue of all the canals more than cleared the interest charges of the year. The profit of the Swát Canal amounted to Rs. 2,58,959 against Rs. 1,46,710 in 1895-96, and is the highest on record. This favourable result is due to a large Kharíf crop, to an indirect credit of Rs. 58,464 (the first time that such credit has been afforded), and to a decrease in working expenses. On the Western Jumna Canal, the net revenue shows an increase of Rs. 12,78,210 as compared with the previous year, due to the great demand for water in consequence of the drought and general scarcity, and to the recent extensions of the system. The Sirsa Branch contributed largely to this very satisfactory result; the net revenue (Imperial) on this Branch amounted to Rs. 4,28,841 against Rs. 42,133 in 1895-96.

The Bári Doáb, always a steady revenue earning Canal, exhibits an increase of Rs. 3,12,176 beating all its previous records. On the Sirhind, the net revenue amounted to Rs. 20,70,633 against Rs. 6,96,366 in 1895-96, an increase of Rs. 13,74,267, the returns for the year exceeding all previous figures in the annals of this Canal. These highly satisfactory results are mainly due to the strong demand for water owing to the early failure of the monsoon of 1895 and the general drought. The net revenue of the Chenab Canal exceeds that of the previous year by Rs. 6,04,956 due generally to extensions of irrigation. The Lower Sohág and Pára shows a profit of Rs. 34,685 against Rs. 68,684 in 1895-96. The decrease is attributed to the large remissions granted in consequence of the early cessation of the monsoon rains and to the low supply in the Sutlej. There is a decrease of Rs. 48,376 on the Sidhnai owing to the small Rabi crop of 1895-96, to the diminution of the credit afforded on account of Enhanced Land Revenue, and to the increase in the cost of Working Expenses. The percentages of net revenue on Capital outlay for the Swát, the Bári Doáb, the Sirhind, and the Chenab Canals are the highest yet attained. Taking the Punjab Canals as a whole, the percentage of net revenue on the total Capital outlay amounts to 9·34 if the revenue is calculated on actual collections only and to 10·55 if it is calculated on assessments.

In the diagrams, the graphic exhibition of the lines for "Gross Revenue" has been, this year, based on the revenue *assessed*, and not on Collections less Refunds as was done in the last Revenue Report. The Chief Engineer considers this change desirable to show more clearly the working of the Canals during the year under review. The tables accompanying the diagrams remain as before, in order that there may be no discrepancy with the Administrative Accounts.

4. The financial results, up to the close of 1896-97, are exhibited below for all Canals for which interest accounts are maintained :—

Budget Item.	Canal.	Total.		Balance of	
		Net Revenue.	Interest Charges.	Net Revenue.	Interest Charges.
		Rs.	Rs.	Rs.	Rs.
35	Swát River	14,24,009	21,23,346	...	6,99,337
49	Western Jumna	4,27,54,548	1,08,66,269	3,18,88,279	...
	Sirsa Branch...	5,49,371	5,20,246	29,125	...
	Bári Doáb	2,85,40,982	2,10,93,287	74,47,695	...
	Sirhind	93,26,097	1,65,55,113	...	72,29,016
	Chenab	21,58,088	37,29,127	...	15,71,039
	Lower Sohág and Pára	2,75,215	3,03,626	...	28,411
	Sidhnai	16,05,723	4,10,202	11,95,521	...
	Total 49 ...	8,52,10,024	5,34,77,870	3,17,32,154	...
	Total 1896 97 ...	8,66,34,033	5,56,01,216	3,10,32,817	...
	Total 1895 96 ...	7,87,76,591	5,24,41,565	2,63,35,026	...
	Total 1894-95 ...	7,42,04,493	4,94,29,432	2,47,75,061	...
	Total 1893-94 ...	7,08,89,491	4,65,48,862	2,43,40,629	...

The balance of net revenue over interest charges for the whole Province continues to show a very satisfactory increase. It now amounts to about 310½ lakhs against 263½ lakhs at the end of last year.

The Sirsa Branch of the Western Jumna Canal cleared its interest debt altogether during the year, and now shows an excess of net revenue over interest charges of Rs. 29,125. There are now, therefore, only four Canals on which interest charges are outstanding. The Swát River Canal, though not constructed as a Productive Public Work, is steadily clearing its debt, which has been reduced from Rs. 8,09,037 at the end of the previous year to Rs. 6,99,337. With the completion of the Trans-Kalpáni Distributary, and the revenue earned by its irrigation, the debt should be altogether cleared in the next few years. As anticipated in paragraph 4 of the Resolution for 1895-96, the Sirhind Canal has effected a large reduction in its interest debt. It now stands at Rs. 72,29,016 against Rs. 83,83,890 at the close of the previous year. The balance of interest charges for the Chenab Canal has been reduced from Rs. 22,07,153 to Rs. 15,71,039, a sum considerably less than one-half the anticipated debt in the Project forecast of 1891, and the result of the very satisfactory progress in the irrigation of this Canal.

The interest balance of the Lower Sohág and Pára has been reduced by Rs. 7,446 during the year and now stands at Rs. 28,411.

The financial positions of all Canals in the table are shown graphically in the diagrams in the Report.

5. The revenue accounts of Minor Irrigation Works, for which no interest accounts are maintained, are shown in the following table for 1896-97, the net revenue being compared with that of three previous years :—

Budget Item.	Designation.	Capital outlay to end of year.	Collections less Refund.	Working Expenses.	Net Revenue.	Net Revenue of previous year 1893-94.	1894-95.	1895-96.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
43	Upper Sutlej Canals ...	7,98,390	2,10,161	1,49,607	60,554	2,11,063	64,581	68,037
	Lower Sutlej and Chenab Canals.	1,18,624	6,65,660	4,46,982	2,18,678	2,23,273	1,99,720	2,18,325
	Indus Canals ...	7,07,635	1,73,576	2,23,741	— 50,165	54,350	— 23,995	35,513
	Shahpur (Imperial) Canals.	2,02,645	91,468	54,295	37,173	17,732	— 3,330	29,061
	Ghaggar Canals ...	1,43,065	...	...	...	...	...	...
	Total ...	19,70,359	11,40,865	8,74,625	2,66,240	5,06,418	2,36,976	3,50,936
	Muzaffargarh Canals ...	...	3,86,784	2,06,577	1,80,207	1,83,348	1,84,813	1,54,653
	Total Imperial ...	19,70,359	15,27,649	10,81,202	4,46,447	6,89,766	4,21,789	5,05,589
	Shahpur (Provincial) Canals.	...	40,224	39,797	427	(a) — 10,221	— 17,253	20,675
	Grand Total ...	19,70,359	15,67,873	11,20,999	4,46,874	6,79,545	4,04,536	5,26,264
	Grand Total 1895-96	17,67,301	16,66,805	11,40,541	5,26,264	...	...	5,26,264

(a) These figures are approximate.

In spite of a small increase in the area irrigated, the total net revenue of these Canals has fallen from Rs. 5,26,264, in 1895-96, to Rs. 4,46,874, owing to decreases in miscellaneous and indirect revenues on the Upper Sutlej, Indus, and Shahpur (Provincial) Series.

The Upper Sutlej Canals, although they irrigated a greater area than in the previous year, worked indifferently owing to an unfavourable river. The marked falling-off on the Indus Series is due to full credit on account of Enhanced Land Revenue not being afforded owing to the resettlement of the Dera Ghâzi Khan District. The actual direct revenue of these Canals exceeded that of the previous year by Rs. 7,429. The decrease on the Shahpur (Provincial) Canals is attributed chiefly to a low and unfavourable state of river.

6. The Working Expenses on all Canals for the year under review and four preceding years are given below :—

	Canals.	Working Expenses.				
		1892-93.	1893-94.	1894-95.	1895-96.	1896-97.
		Rs.	Rs.	Rs.	Rs.	Rs.
Major Works.	Swát	1,01,252	95,213	90,549	97,232	65,703
	Western Jumna, including Sirsa Branch (British) ...	5,06,514	6,33,099	7,00,604	8,01,966	8,43,080
	Bári Doáb	7,14,596	5,93,835	6,46,762	6,77,005	7,21,839
	Sirhind (British)	6,98,975	6,20,418	5,90,748	6,50,883	7,22,856
	Chenab	2,69,774	3,30,725	4,59,696	4,25,998	5,28,945
	Lower Sohág and Pára	93,513	91,981	70,432	65,189	61,447
	Sidhnai	67,007	79,789	91,758	1,22,201	1,43,135
	Total ...	24,51,631	24,45,060	26,50,549	28,40,474	30,87,005
		Acres.	Acres.	Acres.	Acres.	Acres.
	Area irrigated	1,707,320	1,750,591	1,706,471	2,519,344	3,204,810
		Rs.	Rs.	Rs.	Rs.	Rs.
	Rate per acre irrigated	1·43	1·39	1·55	1·12	0·96
	Percentage on gross revenue	36·00	45·69	44·43	40·01	28·20
Minor Works.	Upper Sutlej	1,31,325	98,046	1,49,635	1,63,140	1,49,607
	Lower Sutlej and Chenab	3,92,733	3,85,718	4,50,737	4,39,337	4,46,982
	Indus	2,23,387	2,11,021	2,11,930	2,24,805	2,23,741
	Shahpur (Imperial)	28,524	43,803	49,971	59,194	54,295
	Muzaffargarh	2,13,139	2,26,285	2,58,570	2,24,699	2,06,577
	Total ...	9,89,108	9,64,873	11,20,843	11,11,175	10,81,202
		Acres.	Acres.	Acres.	Acres.	Acres.
	Area irrigated	1,072,013	957,823	1,055,641	924,397	944,078
		Rs.	Rs.	Rs.	Rs.	Rs.
	Rate per acre irrigated...	0·92	1·00	1·06	1·20	1·14
	Percentage on gross revenue	64·41	58·31	72·65	68·72	70·77
	Shahpur (Provincial) Canals	23,109	39,720	35,309	29,366	39,797

NOTE.—This table excludes figures relating to Native States Sirsa Branch, Western Jumna Canal and Sirhind Canal.

The total Working Expenses for Major Works shows an increase of Rs. 2,46,531 over that of the previous year. There is an increase on all Canals except the Swát and the Lower Soház and Pára.

Much of the additional expenditure is due to the increase in fees for collection of revenue owing to the very large irrigated area. Some increase is also due to additional revenue establishment required on account of extensions on the Western Jumna and Chenab Canals. On the Sidhnai there is an increase under establishment on account of a revised system of distribution between the Lower Sutlej and Chenab and Sidhnai Series as explained in paragraph 132 of the Chief Engineer's Report. On the Bári Doáb and the Chenab there were heavy expenditures on repairs, owing, in the case of the former, to the necessity of various works of a non-recurrent nature in addition to the usual annual repairs; and, in the case of the latter, to the repairing of the Khánki Weir.

Notwithstanding the increase in Working Expenses, as explained above, the rate per acre has fallen from 1·12 to 0·96, due to the exceptionally large area irrigated during the year.

The Minor Works (excluding the Shahpur, Provincial, Canals) show a decrease in the cost of Working Expenses, and a decrease in the rate per acre. This rate is still somewhat above the normal, mainly due to the irrigation being below normal. On the Shahpur (Provincial) Canals, expenditure was heavier than usual owing chiefly to the construction of the Pindikot Branch and an auxiliary head for the Western Feeder, Ràniwáh.

7. The following table shows the area irrigated during the past five years on Major and Minor Works :—

YEAR.	Major Works.			Minor Works.			Total.		
	Kharíf.	Rabi.	Total.	Kharíf.	Rabi.	Total.	Kharíf.	Rabi.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
1892-93 ...	823,235	1,024,647	1,847,882	504,936	589,477	1,094,413	1,328,171	1,614,124	2,942,295
1893-94 ...	711,001	1,192,653	1,903,654	424,240	550,378	974,618	1,135,241	1,743,031	2,878,272
1894-95 ...	703,930	1,151,928	1,855,858	509,825	565,367	1,075,192	1,213,755	1,717,295	2,931,050
1895-96 ...	991,593	1,866,564	2,858,157	477,957	461,243	939,200	1,469,550	2,327,807	3,797,357
1896-97 ...	1,547,183	2,114,334	(a) 3,661,517	533,745	426,365	(b) 960,110	2,080,928	2,540,699	4,621,627

NOTE.—The areas of the four years ending 1895-96 differ from those shown in previous Resolutions owing to the inclusion of the areas irrigated on the Sirsa Branch of the Western Jumna Canal in Patiála territory, and on the Native States Branches of the Sirhind Canal.

(a) Includes the following :—

(i) 155,156 acres irrigated on the Sirsa Branch (British) of the Western Jumna Canal.

(ii) 61,330 „ „ in the Jínd State by the Jínd Rájbahás of the Western Jumna Canal.

(iii) 62,416 „ „ in Patiála Territory on Sirsa Branch.

(iv) 394,291 „ „ from Native States Branches, Sirhind Canal.

(b) Includes 16,032 „ „ on the Shahpur (Provincial) Canals.

As explained in the footnote to the preceding table, the irrigated areas shown now include the Native States irrigated areas from the Sirsa Branch of the Western Jumna Canal and from the Sirhind Canal. This change has been thought desirable in order to fully exhibit the working of the Punjab Canals as a whole. The irrigation diagrams also include these areas the irrigation in Native States being indicated by cross hatching.

It was said in paragraph 7 of last year's Resolution that the results of the year were of exceptional interest owing to the enormous irrigated area. This area has again been largely exceeded. The increase over the previous year, which was itself a record year, amounts to 824,270 acres, nearly the whole of which is due to the Major Works, the share contributed by the Minor Works (including the Shahpur Provincial) being only 20,910 acres.

The following table shows the irrigation effected on each Canal by seasons and totals, working up to the grand total of 4,621,627 acres, the highest figure yet attained :—

	1895-96.			1896-97.			Difference between 1895-96 and 1896-97.
	Kharíf.	Rabi.	Total.	Kharíf.	Rabi.	Total.	
	Acres.	Acres.	Acres.	Acres.	Acres	Acres.	Acres.
Swát	30,680	50,530	81,210	43,037	80,050	123,087	+ 4 877
Western Jumna and Sirsa Branch (British).	201,131	403,933	605,064	324,372	352,964	677,336	+ 72,272
Sirsa Branch (Patiála) ...	23,788	38,757	62,545	34,556	27,860	62,416	- 129
Bári Doáb	275,385	342,078	617,463	347,554	384,388	731,942	+ 11 479
Sirhind Canal (British) ...	144,252	509,231	653,483	328,974	614,815	943,789	+ 29 306
Native States Branches (Sirhind)	55,712	220,556	276,268	134,982	259,309	394,291	+ 118 23
Chenab	154,228	215,707	369,935	200,782	319,497	520,279	+ 150 44
Lower Sohág and Pára ...	40,614	35,148	75,702	35,510	23,413	58,923	− 16,8 9
Sidhnai	65,803	50,624	110,427	97,416	52,038	149,454	+ 33,027
Total "Major" Works ...	991,593	1,866,564	2,858,157	1,547,183	2,114,334	3,661,517	+ 803,360
Upper Sutlej	68,314	58,516	126,830	101,155	62,264	163,419	+ 36,589
Lower Sutlej and Chenab ...	139,737	156,129	295,866	150,971	134,450	285,421	− 10,445
Indus	118,231	58,906	117,137	115,588	49,556	165,144	− 11,993
Shahpur (Imperial)... ...	17,424	13,081	30,505	18,631	16,265	34,896	+ 4,391
Muzaffargarh	123,953	170,106	294,059	134,523	160,675	295,198	+ 1,139
Total "Minor" Works ...	457,659	456,738	924,397	520,858	423,210	944,078	+ 19,681
Total Major and Minor Works	1,459,252	2,323,302	3,782,554	2,068,051	2,537,544	4,605,595	+ 823,041
Shahpur (Provincial) ...	10,298	4,505	14,803	12,877	3,155	16,032	+ 1,229
GRAND TOTAL ...	1,469,550	2,327,807	3,797,357	20,80,928	2,540,699	4,621,627	+ 824,270

Excluding the Sirsa Branch, Patiála territory, and the Lower Sohág and Pára Canal all the Major Works, especially the Bári Doáb, Sirhind (British and Native States), and Chenab Canals show large increases.

The area on the Swát River Canal is the highest on record, and is due to the general scarcity and high prices prevailing. The Western Jumna Canal (including Sirsa Branch) also shows a record area, owing to the scanty rainfall and consequent drought. The increase is wholly in the Kharíf, the area of which, 358,928 acres, is by far the highest on record. The Rabi area was below that of 1895-96, in spite of the keenest demand for the reasons explained in paragraph 35 of Chief Engineer's Report. The year was also one of very strong demand for water in both the Bári Doáb and Sirhind Canal tracts. The areas of both crops on both these Canals have exceeded all previous records. The area on the Chenab Canal shows an increase of over 150,000 acres, owing generally to extensions of the system and to the drought. The Sidhnai Canal irrigation, though exceeding that of last year, is below that of 1893-94. The Kharíf crop was very large, but the Rabi was a small one owing to the early failure of the river supply.

The Minor Works, as a whole, show a small increase of 19,681 acres. The rains ceased early, there were no heavy floods, and the conditions were generally unfavourable for Inundation Canals.

8. The revenue assessed during the year is shown in the table below :—

Budget Item.	Canal.	Revenue assessed.				
		1892 93.	1893-94.	1894 95.	1895-96.	1896-97.
		Rs.	Rs.	Rs.	Rs.	Rs.
35	Swát River	2,69,850	2,83,245	2,37 380	2,38,604	4,14,424
49	Western Jumna, including Sirsa Branch (British) ...	10,67,420	12,49,938	13,07,320	23,02,710	26,75,634
	Bári Doáb	22,79,780	22,73,509	22,61,163	25,82,512	29,54,935
	Sirhind (British)	14,30,453	10,08,493	10,21 424	22,76,198	31,98,061
	Chenab	3 53 854	5 29,284	8,37,969	16,16,077	22,94,824
	Lower Sohág and Pára ...	97,243	97 159	99,313	1,31,562	87,478
	Sidhnai	2,50,622	2,82,613	2,62,705	2,97,321	3,39,990
	Total 49 ...	54,79,372	54,40,996	57,89,894	92,06 380	1,15,50 922
	Total 35 and 49 ...	57,49,222	57,24,241	60,27,274	94,44,984	1,19,65,346
43	Upper Sutlej	2,62 568	2 71,706	2,47,358	1,78,574	2,24,412
	Lower Sutlej and Chenab ...	5,90,018	5 96,837	6,44,684	6,59,224	6,70,344
	Indus	2,43 318	2,49,657	2,18,806	2,69,160	2,04,937
	Shahpur (Imperial)	80,226	31,292	78,168	89,101	1,01,517
	Muzaffargarh	3,93,871	4,09,645	4,43,438	3,79,395	3,86 911
	Total 43 ...	15,70,001	15,59,237	16,32,394	15,75,454	15,88,121
	Total Imperial ...	73,19,223	72,83,478	76,59,668	1,10,20,438	1,35,53,467
	Shahpur (Provincial) ...	55,752	12,102	41,178	38,272	36,217
	Grand Total ...	73,74,975	72,95,580	77,00,846	1,10,58,710	1,35,89,684

NOTE.—The above figures do not include the assessments in the Native States of Patiála, Nábha and Jind on account of the Sirsa Branch, Western Jumna Canal, and Sirhind Canal.

As pointed out in paragraph 8 of Chief Engineer's Report, where the reasons are also given, the assessments of the Swát Canal are the highest on record.

For Canals under Budget head (49), there is an increase from Rs. 92,06,380 in 1895-96 to Rs. 1,15,50,922, the largest figure yet attained. The increase is distributed over all the Canals except the Lower Sohág and Pára, which shows a decrease of Rs. 44,084 owing to short supply in the Sutlej, and consequent remissions.

The total for the Canals under head (43) shows a small increase of Rs. 12,667. There is an improvement on all series except the Indus, where the decrease is entirely under indirect revenue as explained in paragraph 5.

9. The following table shows the area of principal crops for the past five years:—

Crops.	1892-93.	1893 94.	1894-95.	1895 96.	1896-97.
	Acres.	Acres.	Acres.	Acres.	Acres.
Sugarcane	74,207	65,623	76,858	82,283	127,017
Rice	170,911	188,949	180,770	197,755	210,700
Jowár	185,186	108,160	139,653	214,709	276,673
Maize	131,900	142,254	109,534	145,982	193,659
Wheat	1,001,696	1,167,334	1,127,982	1,372,568	1,441,408
Cotton	228,122	277,569	357,340	399,882	537,247

NOTE.—The figures in this table include the areas of Sirhind and Sirsa Native States Branches and Shahpur (Provincial) Canals, with the exception of Shahpur Canals areas for 1892-93 and 1893-94 of which there is no record.

10. The table below shows the duty or area irrigated per cubic foot of water per second of the average volume entering the following Canals for the past five years :—

	Area irrigated per cubic foot.										Average for five years ending 1896-97.
	1892-93.		1893-94.		1894-95.		1895-96.		1896-97.		
	Kharíf.	Rabi.	Kharíf.	Rabi.	Kharíf.	Rabi.	Kharíf.	Rabi.	Kharíf.	Rabi.	
Swát River	56	...	63	...	69	...	68	...	78	...	67
	...	139	...	181	...	132	...	106	...	152	142
Western Jumna	77	...	70	...	72	...	65	...	103	...	78
	...	72	...	67	...	50	...	146	...	152	97
Bári Doáb	66	...	63	...	63	...	67	...	72	...	66
	...	119	...	121	...	108	..	134	...	138	124
Sirhind	63	...	21	...	19	...	41	...	77	...	44
	...	93	...	69	...	72	...	155	...	197	117
Chenab	54	...	72	...	50	...	64	...	72	...	62
	...	65	...	99	...	81	...	94	...	86	85

The duties for the year, as exhibited in the above table, are, in the cases of the first four Canals, unusually high in consequence of the strong demand for water during both crops. The Western Jumna and Sirhind duties, for both Kharíf ond Rabi, are the highest on record. The Kharíf duty of the former, and the Rabi of the latter, are exceptionally high figures. In the case of the Chenab, the Kharíf duty is, under the circumstances of this Canal, very satisfactory. The Rabi duty is very low, but this has been explained in paragraph 105 of the Chief Engineer's Report. The Sidhnai Canal has been omitted from the table this year. The Rabi supply of this Canal is often very precarious, and figures for the two crops separately, worked out in the ordinary way, are apt to be misleading.

In paragraph 10 of the Resolution on the Report for 1895-96 attention was directed to the marked irregularity in the duties shown as obtained on distributaries, often in the same system and working under similar conditions. It was then pointed out that this irregularity was probably due to errors in the estimate of the mean volume of water consumed, and the Chief Engineer reports that this surmise is confirmed by what he has seen during recent inspections, and ascertained from correspondence on the subject. The same irregularity is apparent in the figures given in the present Report. The attention of all officers is, therefore, again directed to this important subject with a view to obtaining more reliable results in future. The results should be worked out for each distributary, monthly, as the irrigation season advances, and not deferred as at present till after the close of the official year. The Chief Engineer has recently issued simple instructions for the training of subordinates in the measurement of distributary discharges, with orders holding Zilladárs responsible for maintaining, by distributaries, registers of the volume of water consumed in their respective sections, and comparing these volumes with the corresponding areas of irrigation effected on each line.

11. Miscellaneous receipts on Imperial Canals for the five years ending with 1896-97 are shown in the following table :—

Year.	Amount.
	Rs.
1892-93	3,84,456
1893-94	2,20,357
1894-95	2,43,978
1895-96	4,39,033
1896-97	4,14,959

12. The navigation receipts and charges for the last five years are exhibited in the following table :—

Years.	Western Jumna.			Sirhind.			Total.		
	Receipts.	Charges.	Profit or loss.	Receipts.	Charges.	Profit or loss.	Receipts.	Carges.	Profit or loss.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1892-93 ...	35,869	12,274	+ 23,595	9,192	13,115	— 3,923	45,061	25,389	+ 19,672
1893-94 ...	50,798	8,157	+ 42,641	9,839	12,857	— 3,018	60,637	21,014	+ 39,623
1894-95 ...	64,759	8,259	+ 56,500	7,256	9,780	— 2,524	72,015	18,039	+ 53,976
1895-96 ...	79,927	7,354	+ 72,573	7,742	13,904	— 6,162	87,669	21,258	+ 66,411
1896-97 ...	64,704	7,899	+ 56,805	9,984	11,308	— 1,324	74,688	19,207	+ 55,481

The profit on the Western Jumna Canal, though less than that of last year, is above average. The decrease is mainly under raft traffic, the receipts from which were exceptionally high in 1895-96.

The Sirhind Canal continues to show a deficit, though it is smaller than has obtained during the previous four years.

13. The following table shows the areas irrigated from the Patiála Branches of the Sirhind Canal for the last five years :—

AREA IRRIGATED FROM THE NATIVE STATES BRANCHES.

YEARS.	PATIALA.			NABHA.			JIND.			TOTAL.		
	Kharif.	Rabi.	Total.	Kharif.	Rati.	Total.	Kharif.	Rabi.	Total.	Kharif.	Rabi.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Ac es	Acres.	Acres.	Acres.
1892-93 ...	46,546	68,313	114,859	4,291	7,249	11,540	3,842	4,032	7,874	54,679	79,594	134,273
1893-94 ...	20,424	81,649	102,073	3,640	9,557	13,197	1,647	7,010	8,657	25,711	98,216	123,927
1894-95 ...	22,564	72,729	95,293	3,519	7,917	11,436	2,011	3,597	5,608	28,094	84,243	112,337
1895-96 ...	45,665	182,311	227,976	6,232	20,907	27,139	3,815	17,338	21,153	55,712	220,556	276,268
1896-97 ...	107,679	213,387	321,066	14,685	24,480	39,165	12,618	21,442	34,060	134,982	259,309	394,291

The areas irrigated in each of the States are again the highest on record. The total area of 1895-96 was more than double that of any of the previous three years; and the area of 1896-97 exceeds that of 1895-96 by 118,023 acres. In spite of this large increase, the proportion to the area irrigated on the British Branches was not attained as explained in paragraph 87 of the Chief Engineer's Report.

14. The estimated value of crops raised during the year is shown below :—

Year.	Area.	Estimated value	Rate per acre.
	Acres.	Rs	Rs.
1893-94	2,910,283	7,88,30,398	27·08
1894-95	2,931,050	7,86,17,422	26·82
1895-96	3,739,754	10,19,60,812	27·26
1896-97	4,556,315	15,08,44,952	33·10

NOTE.—The areas shown above differ from those in other tables owing to the exclusion of areas under "fallows," "single watering," etc., for which no value has been allowed.

The areas and values for 1895-96 and previous years differ from those shown in paragraph 15 of last year's Resolution owing to the inclusion of figures, relating to the Native States Branches of the Sirhind Canal, the Patiála Section of the Sirsa Branch of the Western Jumna Canal, and the Shahpur (Provincial) Canals. These are now included in the figures for 1896-97.

The value of crops raised on canal-irrigated lands is estimated at Rs. 15,08,44,952 against Rs. 10,19,60,812 in 1895-96. Details by canals and crops are given in statistical statement III E. The increase in 1896-97 is due partly to the large area irrigated, and partly to the values per acre of cereals, millets and fodder crops having been raised above the normal on account of the high prices due to the famine, as explained in the footnotes to Appendices IV and V of the Chief Engineer's Report.

15. The following statement shows the mileage of channels sanctioned and completed to end of 1895-96 :—

	Canals.		Mileage of Canals. Sanctioned.	Mileage of Canals. Completed.	Mileage of Distributaries. Sanctioned.	Mileage of Distributaries. Completed.	Mileage of Drainage Cuts. Sanctioned.	Mileage of Drainage Cuts. Completed.	Mileage of Canals available for navigation.
			Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.
Major Works.	Swat River		22	22	182	143	3	3	...
	Western Jumna		292	287	1,312	1,278	645	640	243
	Sirsa Branch ...	British	80	80	518	514	18	18	...
		Native States ...	35	35	224	224	...	...	...
	Bári Doáb		353	353	1,168	1,133	13	13	...
	Sirhind ...	British	319	319	2,714	2,714	27	27	143
		Native States ...	223	223	1,939	1,939	32	32	46
	Chenab		427	248	1,600	1,323	32	32	...
	Lower Sohág and Pára		98	98	48	48	...	...	...
	Sidhnai		68	68	112	112	...	...	...
Minor Works.	Upper Sutlej		219	218	182	137	...	...	...
	Lower Sutlej and Chenáb		801	801	19	19	...	...	...
	Indus		701	701	...	...	4	4	...
	Shahpur (Imperial)...		79	78	94	94	...	...	...
	Do. (Provincial)		62	62	37	37	...	...	...
	Muzaffargarh		818	818	455	455	...	...	...
	Total ...	British	4,339	4,153	8,441	8,007	742	737	386
		Native States ...	258	258	2,163	2,163	32	32	46
	Grand Total ...	1896-97	4,597	4,411	10,604	10,170	774	769	432
		1895-96	4,532	4,344	10,104	9,441	762	762	432
	Difference ...	More	65	67	500	729	12	7	...
		Less	...	...	...	...	...	...	...

The increase of 67 miles in the completed length of Canals is due chiefly to the opening of the Jhang Branch Lower and Bhowána Branch of the Chenab Canal. The increase under distributaries is due to the opening of 645 miles of new channels from the Jhang and Bhowána Branches of the Chenab, of 64 miles of channels on the Western Jumna Canal, and 16 on the Shahpur (Imperial) Canals. There were also some small changes on other systems.

The mileage of drainage channels has been shown in the above table for the first time.

16. The results of check measurements on the Major Works Canals are given in Appendix II of the Report. The percentage of area checked varied from 7·9 to 42·1 in the Kharíf, and from 9·3 to 45·0 in the Rabi. The percentages are generally lower than those of last year, but the irrigated areas are even higher, and the amount of work done is considered satisfactory. The percentages of error are still high in the Swat Canal and 1st Chenab Divisions.

17. The year has been remarkable for the scarcity, which, prevailing in most parts of the Province, amounted to famine in some tracts, particularly in those of the South-East Punjab. The demand for water, especially from the Western Jumna, Sirhind, and Bári Doáb Canals, was intense, while the rivers were so low that the supplies received were far below requirements. The economical distribution of the supplies available thus threw very heavy work on the establishment; and in the instance of the Western Jumna, this strain was considerably enhanced by the Famine Relief Works in progress. From the point of view of the Canals the year has been one of considerable financial prosperity.

18. The Province sustained a loss in the well deserved promotion of Mr. Higham, C.I.E., to the office of Inspector-General of Irrigation with the Government of India. To him, and to the officers who succeeded him, Lieutenant-Colonel Miller and Mr. Beresford, as well as to the officers of the Department generally, the acknowledgments of Government are due for the manner in which the severe strain arising from a year of drought and famine was met; and among the latter may be specially mentioned the services of Colonel Jacob, whose charge involved the most arduous duties both in respect of the keen demand for water and the other accompaniments of the scarcity, duties which were performed by him with singular devotion and efficiency.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

Punjab Government Press, Lahore—23-6-98—560.

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LAHORE, THURSDAY, JUNE 30, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 25, 1898.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 23rd June, 1898.

No 6.—In exercise of the power conferred by section 17 of the Indian Councils Act, 1861 (24 and 25 Vict., Cap. 67), the Governor-General in Council has been pleased to appoint Friday, the 8th July, 1898, at 11 A.M., as the time, and the Council Chamber in the Viceregal Lodge, Simla, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

J. M. MACPHERSON,
Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

Extract from the Proceedings of the Government of India in the Department of Revenue and Agriculture, No. 11—23-6 (*Emigration*),—*dated Simla, the* 23*rd June,* 1898.

Read—

Telegram from Her Majesty's Secretary of State for India, dated 14th June 1898.

RESOLUTION.—In the telegram read in the preamble, Her Majesty's Secretary of State for India—at the instance of Her Majesty's Secretary of State for the Colonies—has requested the Government of India to do what may be possible to prevent emigration from India to Australia by warning intending emigrants that there is no probability of their obtaining employment in that country, and that in the event of their destitution there is no likelihood of relief being afforded them by the Colonial Government.

2. The Governor-General in Council accordingly requests all Local Governments to make the above intimation generally known, and more especially in places from which emigration to the Australian Colonies is believed to be most common ; and also to warn intending emigrants at the ports of embarkation of the risks they run in proceeding to those Colonies.

ORDER.—Ordered that a copy of the above Resolution be forwarded to the Local Governments and Administrations noted in the margin for information and guidance and to the Home and Foreign Departments for information.

Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Government of Burma.
Chief Commissioner, Central Provinces.
Chief Commissioner, Assam.
Chief Commissioner, Coorg.
Chief Commissioner, Ajmere-Merwara.
Resident at Hyderabad.

Ordered also that a copy be published in the *Gazette of India* for general information.

[True Extract]

DENZIL IBBETSON,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 24th June, 1898.

No. 816 *G.*—The undermentioned officers have been selected as probationers for the Political Department of the Government of India and are temporarily attached to the Punjab Commission, as supernumerary Assistant Commissioners, with effect from the dates on which they assume charge of their duties :—

Lieutenant A. D. Macpherson, Indian Staff Corps.

Lieutenant S. B. Patterson, Indian Staff Corps.

Lieutenant R. E. A. Hamilton, Indian Staff Corps.

Lieutenant A. P. Trevor, Indian Staff Corps.

Lieutenant A. D. G. Ramsay, Indian Staff Corps.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Simla, the 20th June, 1898.

No. 2750 *Gl.*—The services of Mr. R. M. Dane, C. I. E., Deputy Secretary to the Government of India in the Finance and Commerce Department (on furlough), are replaced at the disposal of the Government of the Punjab, with effect from the 22nd March 1898.

* * * * * * * *

STEPHEN JACOB,

Offg. Secretary to the Government of India.

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PUNJAB AND ITS DEPENDENCIES.

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PART II.

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FROM THE "GAZETTE OF INDIA," DATED JULY 2, 1898.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 30th June 1898.

No. 843-*G.*—The undermentioned officer has been selected as a probationer for the Political Department of the Government of India and is temporarily attached to the Punjab Commission, as a supernumerary Assistant Commissioner, with effect from the date on which he assumes charge of his duties :—

Lieutenant F. McConaghey, Indian Staff Corps.

W. J. CUNINGHAM,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 1st July 1898.

CANTONMENTS.

TAXATION.

No. 728.—In exercise of the power conferred by section 20, sub-section (1), of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that the conservancy tax and tax on menial and domestic servants imposed in the Cantonment of Subathu in the Simla District by the notification of the Punjab Government No. 386, dated the 11th February 1897, shall not be levied in respect of the Leper Asylum of the American Presbyterian Mission in the said Cantonment or in respect of servants employed at the said Asylum.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th June 1898.

No. 287.—With reference to Public Works Department Notification No. 381, dated the 28th September 1897, the services of Brevet-Colonel J. W. Thurburn, R. E., Executive Engineer, 1st Grade, are, on his return from field service, replaced at the disposal of the Government of the Punjab, with effect from the 7th June 1898.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 2ND JULY 1898.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

USE OF CHURCHES CONSECRATED FOR THE SERVICES OF THE CHURCH OF ENGLAND FOR THE SERVICES OF OTHER DENOMINATIONS.

Nos. 271-86.

Extract from the Proceedings of the Government of India, in the Home Department (Ecclesiastical), under date Simla, the 17th June 1898.

Read again:

The Regulations issued by the Government of India, on the 10th September 1860, for the use for Presbyterain worship of Churches consecrated for the services of the Church of England.

Military Despatch from Her Majesty's Secretary of State, No. 80, dated the 17th September 1896.

Letters to the Governments of Madras and Bombay and the Senior Chaplain of the Church of Scotland, Calcutta, Nos. 313—315, dated the 2nd November 1896.

Letters to the Government of the North-Western Provinces and Oudh and the Punjab, Nos. 101—102, dated the 22nd March 1897.

Read also the undermentioned papers—

Letter from the Government of Madras, No. 96, dated the 14th December 1896.

Letter from the Government of Bombay, No. 25, dated the 18th March 1897.

Letter from the Senior Chaplain of the Church of Scotland, Calcutta, No. 781, dated the 23rd December 1896.

Letter from the Government of the North-Western Provinces and Oudh, No. 979, dated the 10th April 1897.

Letter from the Government of the Punjab, No. 857, dated the 28th August 1897.

Communication from the Military Department, No. 1402-C., dated the 2nd August 1897.

Communication from the Military Department, No. 1783-C., dated the 25th September 1897.

RESOLUTION.

The regulations dated the 10th September 1860, referred to in the preamble to this Resolution, were designed to enable Churches consecrated for the services of the Church of England to be used, with the consent of the Bishop of the Diocese in each case and under certain restrictions, for Presbyterian worship. In a memorandum presented to Her Majesty's Secretary of State in the year 1896 by a deputation from the General Assembly of the Church of Scotland, it was represented that the attention of that body had been frequently called to the difficulty experienced in some cases in obtaining the use of Government Churches in India for Presbyterian services under the existing regulations. From inquiries instituted into the matter it appears that the cases of substantial complaint are not very numerous, but the Government of India have noticed with regret that instances have occurred when the use for Presbyterian worship of buildings provided by Government and consecrated for the services of the Church of England has been disallowed, and further that in one case the use of an unconsecrated building (a regimental school-room) was refused for such worship. The Governor-General in Council trusts that such instances will not be allowed to recur.

2. In 1860, when the rules referred to in the preamble were drafted, the number of Wesleyans was comparatively small. Since that time they have become sufficiently numerous among the soldiers to justify the concession being made to them, which was then granted to the Presbyterians. It is, moreover, in the opinion of the Government of India, desirable to provide that the use of Churches may be allowed to Presbyterian or Wesleyan Ministers ministering to soldiers, even though they are not Chaplains on the regular establishment. The power of allowing or disallowing the use of regimental schools and other unconsecrated buildings for purposes of worship rests with the Officer Commanding the station and not with the ecclesiastical authorities. In case any doubt or uncertainty may arise in the interpretation or application of the rules, a reference will lie in the case of Churches situate in cantonments provided solely for the use of soldiers to His Excellency the Commander-in-Chief in consultation with the Metropolitan and in the case of other Churches to the Local Government in consultation with the Metropolitan. His Excellency in Council accordingly prescribes for general adoption the following revised rules to regulate the use of Churches consecrated for the services of the Church of England for the services of other denominations :

(1) A Church provided by Government and consecrated for the services of the Church of England may be used for the services of the Church of Scotland and the Wesleyan Church and for the services of any other denomination to which the Government of India may from time to time make these rules applicable.

(2) The use of the Church shall be permissible both to Scotch Chaplains on the regular establishment and to Presbyterian and Wesleyan Ministers officiating with troops.

(3) It shall be necessary to obtain the consent of the Bishop of the Diocese in each case.

(4) The Bishop, or the Church of England Chaplain, or Clergyman of the Church of England performing the duties of Chaplain, shall, under the Bishop's instructions, fix the hours at which the Church shall be made available to the Presbyterian, Wesleyan or other congregations.

(5) The care of the Church and Church furniture and the expenditure and control of the Church establishment shall remain exclusively in the hands of the Chaplain or Clergyman of the Church of England performing the duties of Chaplain.

(6) The Bishop of the Diocese may withdraw his assent to use the Church for the worship of any congregation other than that of the Church of England whenever he shall think fit.

(7) If in any case dissatisfaction is felt with any order passed under these rules either as to the use of a Church by a congregation not belonging to the Church of England or as to the hour at which it is made available for the use of such congregation, the Senior Chaplain of the Church of Scotland or the General Superintendent of the Wesleyan Church, as the case may be, may bring the matter before the Lieutenant-General of the Command through the General Officer Commanding the district, and the Lieutenant-General shall then, if he considers this necessary, communicate with the Bishop, in order, if possible, to arrange the matter with him. Should the Senior Chaplain of the Church of Scotland or the General Superintendent of the Wesleyan Church, as the case may be, be dissatisfied with the arrangement made between the Lieutenant-General of the Command and the Bishop, he shall be at liberty to ask the Lieutenant-General that the matter may be referred for final decision in the case of Churches situate in cantonments and provided solely for the use of soldiers to His Excellency the Commander-in-Chief and in the case of other Churches to the Local Government.

ORDER—Ordered, that this Resolution be communicated to Local Governments and Administrations, the Ven'ble the Officiating Archdeacon and Bishop's Commissary, the Senior Chaplain of the Church of Scotland, Calcutta, the General Superintendent of the Wesleyan Church and the Foreign and Military Departments.

Ordered also, that it be published in the *Gazette of India.*

[True Extract.]

J. P. HEWETT,

Secretary to the Government of India.

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PART II.

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FROM THE "GAZETTE OF INDIA," DATED JULY 16, 1898.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 11th July 1898.

No. 1531.—In accordance with the provisions of Section 18, sub-section (1), of the Indian Explosives Act (IV of 1884), and with the directions contained in the notification of the Government of India in the Home Department, No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish, for general information, the following draft rule which it is proposed to substitute for rule 27 of the rules to regulate the transport and importation of explosives published with the notification of Government of India in the Home Department, No. 1393, dated the 8th July 1897.

The draft rule will be taken into consideration on the expiry of two months from the date of this notification.

Draft rule.

27. Any persons lawfully entitled under the Indian Arms Act, 1878 (XI of 1878), or the rules thereunder, to possess any explosive coming under the head of ammunition, as defined in that Act, may possess or import without license under these rules any such explosive *in such quantities as may be prescribed by that Act or the rules thereunder, or, when no quantities are prescribed,* in reasonable quantities for his own private use: but when an explosive is so imported, the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or by virtue of his office may at any time detain such explosive until he receives the orders of the Local Government thereon.

J. P. HEWETT,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 12th July 1898.

No. 3077 *Gl.*—Mr. R. A. Gamble, Officiating Accountant-General, Punjab, is granted privilege leave for two months and fourteen days, with effect from the 8th July 1898, and the following arrangements are made during his absence on leave, or until further orders:—

Mr. W. H. Dobbie, Deputy Comptroller-General, to officiate as Accountant-General, Punjab, and

* * * * * * * *

STATISTICS AND COMMERCE.

CUSTOMS.

The 15th July 1898.

No. 3133-*S. R.*—In exercise of the power conferred by section 23 of the Sea Customs Act (VIII of 1878), the Governor-General in Council is pleased to exempt nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash and Kainit salts from the import duty leviable thereon under No. 10 of Schedule IV of the Indian Tariff Act (VIII of 1894) as amended by Acts XVI of 1894 and III of 1896.

STEPHEN JACOB,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 15th July 1898.

LONDON GAZETTE.

No. 782.—The following extract is published for general information:—

"*London Gazette,*" *dated the 17th June* 1898, *pages* 3702 *and* 3703.

INDIA OFFICE;

17th June 1898.

The Queen has approved of the following promotions among the officers of * * the Indian Medical Service, * * * * * made by the Government of India:—

* * * * * * * *

INDIAN MEDICAL SERVICE.

* * * * * * * *

Surgeon-Majors to be Surgeon-Lieutenant-Colonels.

Dated 30th March 1898.

BENGAL ESTABLISHMENT.

* * * * * * * *

George Frederick Nicholson, M.D.

* * * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 15th July 1898.

No. 316.—Mr. J. J. Mullaly, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the forenoon of the 1st July 1898, during the absence on furlough of Mr. T. J. P. Jeffery, or until further orders.

While so officiating Mr. Mullaly will hold the temporary rank of Superintending Engineer, 3rd Class, until further orders.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 28, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED 23RD JULY 1898.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 18th July 1898.

No. 1537—61-11.—Veterinary-Lieutenant A. Smith, Army Veterinary Department, is appointed to the Civil Veterinary Department, on probation, and is posted to the Punjab.

T. W. HOLDERNESS,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 16th July 1898.

No. 3154-*S. R.*—In exercise of the power conferred by Section 22 of the Sea Customs Act, VIII of 1878, and in supersession of the values fixed in columns 2 and 4 of the schedule appended to the Notification by the Government of India in the Finance and

Commerce Department, No. 1187-S. R., dated the 9th March 1898, for the articles specified in column 1 of the schedule hereto annexed, the Governor-General in Council is pleased to fix for the said articles the values stated in column 4 of the said schedule :—

	1	2	3	4
No in Tariff Schedule.	Names of Articles.	Per	Present valuation.	Revised valuation.
	ARTICLES OF FOOD AND DRINK.			
			Rs. A.	Rs. A.
7	SPICES—			
	Cloves	Cwt.	18 0	28 0
	Pepper, black	"	18 0	25 0

STEPHEN JACOB,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, AND RESIGNATIONS.

Simla, the 22nd July 1898.

No. 835.—*2nd Punjab* (*Simla*) *Volunteer Rifles.*—Lieutenant William Hodder to be Captain, with effect from the 1st January 1898, *vice* Lake, transferred to the supernumerary list.

Lieutenant Guy Lubbock, Royal Engineers, to be Captain, with effect from the 20th April 1898, *vice* Chanter, promoted.

Ernest Grey Courts, Gentleman, to be Lieutenant, with effect from the 20th April 1898, *vice* Davis, transferred to the supernumerary list.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 22nd July 1898.

No. 329.—Brevet-Colonel J. W. Thurburn, R. E., Executive Engineer, 1st Grade, Punjab, officiated as a Superintending Engineer from the afternoon of the 4th to the afternoon of the 14th July 1898, during the absence of Mr. J. E. Hilton, Superintending Engineer, on special duty.

No 330.—Mr. J. E. Hilton, Superintending Engineer, 1st Class, Punjab, is appointed to officiate as Chief Engineer and Secretary to the Government of the Punjab in the Public Works Department, Buildings and Roads Branch, with effect from the afternoon of the 14th July 1898, during the absence on privilege leave of Colonel S. L. Jacob, R. E., or until further orders.

No. 331.—With reference to Public Works Department Notification No. 330, dated 22nd July 1898, Brevet-Colonel J. W. Thurburn, R.E., Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the forenoon of the 15th July 1898, *vice* Mr. J. E. Hilton, appointed Officiating Chief Engineer.

J. S. BERESFORD,

Offg. Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 4, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA, EXTRAORDINARY," DATED JULY 30TH, 1898.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

No. 3306.

Simla, the 30th July, 1898.

THREE-AND-A-HALF PER CENT. LOAN.

His Excellency the Right Honourable the Governor-General in Council has resolved to borrow one hundred and twenty lakhs of rupees for the public service in the following manner:

2. Promissory Notes will be issued for the said amount in the Form annexed to this Notification, being the form of the notes of *the Three-and-a-half Per Cent. Loan of* 1854-55, of which loan the notes to be now issued will form a part. All the conditions which apply to notes of *the Three-and-a-half Per Cent. Loan of* 1854-55 will apply to the notes to be now issued. The interest on the notes of that loan is payable half-yearly on the 30th day of June and the 31st day of December; and the notes are not liable to discharge before the 1st day of August 1904.

Tenders.

3. Tenders for the whole or any part of the said amount of Rs. 1,20,00,000 will be received by the Comptroller-General from this date to noon of Wednesday, the 24th August next. Tenders must be for sums of 500 Rupees or multiples of 500 Rupees.

4. Each tender must be addressed, in the Form annexed to this Notification, to the Comptroller-General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Three-and-a-half Per Cent. Loan.*" If the tenderer is not resident in India, he must name an agent resident in India to whom an allotment-certificate may be issued, if any part of the loan is allotted to such tenderer.

NOTE.—Tenders made in accordance with these instructions will also be received by the Accountants-General, Madras and Bombay, on account of the Comptroller-General, Calcutta, on the 23rd August and up to 11-30 or 11 o'clock local time respectively (corresponding with 12 o'clock in Calcutta) on the 24th August; provided that—

(*a*) they are delivered personally or by clerk or messenger at the Accountant-General's Office (where a receipt will be given for them);

(*b*) they are made on printed Forms, to be obtained at the same office or at the local Presidency Bank;

(*c*) each tender is for not less than Rs. 10,000;

(*d*) the deposit is either a promissory note or a Treasury Receipt from the Head Office of the local Presidency Bank, or a cheque on a local Bank in Madras or Bombay in favour of the Accountant-General, Madras or Bombay, respectively;

(*e*) the amount of the tender is made payable either in Calcutta, Madras, or Bombay;

and the Accountant-General will return deposits on non-accepted tenders, and will issue allotment-certificates so far as the tenders are payable in Madras or Bombay.

5. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms—as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders—will be rejected as null and void.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

Deposits.

7. Each tender must be accompanied by a deposit of not less than one-hundredth, or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. The deposit must be in one of the following forms: (*a*) a receipt for the amount from the Head Office of the Bank of Bengal, or Madras, or Bombay, or one of their Branches, or from an officer in charge of some Public Treasury, or (*b*) a cheque drawn in favour of the Comptroller-General on a Bank in Calcutta, Madras or Bombay, or (*c*) Government Promissory Notes[1] standing in the name of, or endorsed to, the tenderer or the person making the deposit.

[1] *It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller-General.*

8. (*a*) Deposits, not being promissory notes, will, in the case of accepted tenders, be credited proportionately in part payment of the allotment-certificates issued in respect of the tender, and will bear interest for the purpose of clause 16 below from the date of the opening of tenders. When a tender is not accepted in full, the deposits, when they are not in the form of promissory notes, will be credited as far as possible proportionately in even tens of rupees in part payment of the allotment-certificates issued in respect of it. If any allotment-certificate is not fully taken up, the deposit credited in respect of it will be forfeited.

(*b*) Promissory notes deposited in respect of any accepted tender will be held until all the allotment-certificates issued in respect of the tender are paid up, and will, if the allotment-certificates are not fully taken up, be appropriated by the Government and cancelled.

Opening of Tenders.

9. The Governor-General in Council reserves the right to declare, on or before the 17th August, the minimum rate at which tenders will be accepted. If not so declared, the said minimum rate will be recorded under the signature of the Comptroller-General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

10. Tenders will be opened publicly by the Comptroller-General at the Treasury Buildings, Calcutta, at noon (Calcutta time), on Wednesday, the 24th August next, and those received under the terms of the note under clause 4 will be similarly opened by the Accountant-General, Madras, at 11-30 (Madras time), and by the Accountant-General, Bombay, at 11 o'clock (Bombay time), on the same day; but the contents of the tenders will not be disclosed otherwise than as provided in clause 12.

11. Tenders at rates not below the minimum rate will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted will be divided amongst those who have tendered at this rate in proportion, as nearly as may be found convenient, to the amounts of their tenders; provided that no allotment will be issued if the amount distributable on any tender is less than Rs. 500.

Allotment-Certificates.

12. To each tenderer (or to his agent) whose tender is accepted in whole or in part such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him will be issued by the Comptroller-General[2] as soon as possible after the 24th August; and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted for general information at the Head Offices of the Banks of Bengal, Madras, and Bombay.

[2] For tenders received by the Accountant-General, Madras or Bombay, and payable at those places, the Accountant-General will issue the allotment-certificates.

13. If the allotment made on any tender is less than Rs. 3,000, then the whole of the allotment-certificates (after credit of the deposit under clause 8 (*a*)) will be made payable upon the 5th October.

Otherwise the whole amount of each allotment will be divided into three instalments as follows:

Instalment I.—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 7th September:

Instalment II.—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 5th October:

Instalment III.—The balance payable upon the 2nd November:

and allotment-certificates will be issued for each instalment separately.

But the whole or any part of any accepted tender may be paid at any time after receipt of the allotment-certificates.

The words "as near as convenient" refer to the necessity for making each instalment an exact multiple of Rs. 500.

14. Any allotment-certificate will, on application to the Comptroller-General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations; provided that if any payment (beyond the deposit) is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

15. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of the Bank of Bengal or Madras or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the officers in charge of the Government Treasuries at which payment is made, by enfacement upon the relative certificate.

Issue of Promissory Notes.

16. (*a*) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, promissory notes of such values as he may desire (each note being in even hundreds and not less than Rs. 500), bearing interest from 31st December 1898, and he will also receive interest at 3½ per cent. per annum from the dates on which he may have made payment till the 30th of December 1898.

(*b*) Or he may, at his option, by paying interest at the said rate from 30th June 1898 to the dates on which he may have made payment, obtain promissory notes as above, bearing interest from 30th June 1898.

FORM OF PROMISSORY NOTE (see Clause 2).

FORT WILLIAM, THE

Promissory Note *Government Rupees* *at* 3½ *per cent.*

No. *of* 1854-55.

The Governor-General of India in Council does hereby acknowledge to have received from
the sum of Government Rupees Five Hundred only as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan, by paying the said sum of Government Rupees Five Hundred only to the said ,
his Executors, or Administrators, or his or their Order, on demand, at the General Treasury at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor-General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred only from the at the rate of three-and-a-half per cent. per annum, by half-yearly payments, at the General Treasury at Fort William, to the said , his Executors, or Administrators, or his or their Order, until the expiration of three months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

The Governor-General in Council hereby further engages that Notice of Payment as aforesaid shall not be given before the First day of May 1904, and that this Note shall not be discharged before the First day of August 1904.

FORM OF TENDER (see Clause 4).

I, *A. B.*, hereby tender for Rupees *(X)* of *The Three-and-a-half Per Cent. Loan* advertised in the Notification published in the *Gazette of India, Extraordinary*, dated the 30th July 1898, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees *(Y)* Annas *(Z)* for every hundred rupees allotted to me.

I enclose a *deposit receipt** for Rupees *(XX)*, and engage, if my offer be accepted, to pay to the account of the Government at the *Bank of†* *(or at the† Branch of the Bank of†* ; *or into the Public Treasury at†* *as the case may be)*—

*Or Cheque or Government Promissory Note.
†Here enter the name of Bank, Branch Bank, or Treasury.

The first instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before 7th September 1898.

The second instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before 5th October 1898.

The balance on or before 2nd November 1898.

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before 5th October 1898.

Any allotment made to me may be communicated to *C. D.* at‡

‡Here insert *C. D.'s* address, which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India, or, if residing in India, he wishes the allotment communicated to an agent, or desires to pay the instalments elsewhere than at the place where the tender is submitted, and wishes the allotment-certificates to be given to an agent at that place.

NOTE.—(1) *A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount: thus "One hundred and two" or "One hundred" or "Ninety-nine"; not "Two per cent. premium" or "Par" or "One per cent. discount."*

By order of the Governor-General in Council,

STEPHEN JACOB,

Officiating Secretary to the Government of India.

NOTIFICATION BY THE COMPTROLLER-GENERAL.

The Comptroller-General requests the attention of tenderers to the following arrangements:

Filling up tenders.

(1) They are requested to use only the printed forms of tender which will be available at his Office and at the Currency Office on application to the Durwan on duty,

at all the Provincial Account Offices, and at the Banks of Bengal, Madras, and Bombay, and will also be supplied to the principal Treasuries.

(2) If the deposit is in the form of Promissory Notes or of Currency Notes, their number should be quoted in detail in the tender.

Presentation of Tenders.

(3) For all tenders presented to him in his office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number and initialled by himself or an assistant specially deputed for the purpose. The Accountants-General, Madras and Bombay, will do likewise in respect of tenders presented to them under the note to clause 4 of the Government Notification.

Return of Deposit in case of Non-acceptance.

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller-General or Accountant-General, Madras or Bombay, a receipt for the deposit accompanying it. This form should on the third day after the opening of the tenders be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller-General or Accountant-General, Bombay or Madras. The deposit will then be returned to the bearer in exchange for the receipt.

(5) Deposit upon tenders presented presonally, as described in No. (3) above, will be returned only in this way, and will not be sent by post or otherwise. Deposits upon other unsuccessful tenders will be returned by post or by the hands of a clerk.

Accepted Tenders.

(6) The Comptroller-General and the Accountant-General, Madras or Bombay (in the case of tenders received by such Accountant-General and payable in Madras or Bombay), will issue allotment-certificates to successful tenderers. These certificates will be for the following amounts :—Rs. 500, Rs 1,000, Rs. 2,000, Rs 5,000, Rs. 10,000, Rs. 20,000, Rs. 50,000, Rs. 1,00,000, making up the full value accepted ; and the deposit on the tender will be divided among them ; they will be substantially of the following form :

This is to certify that, in accordanee with the terms of Notification No. 3306, dated 30th July 1898 (Gazette of India, Extraordinary, *dated 30th July 1898*) *the abovenamed tenderer has engaged to take up Rs. 2,000 of the 3½ Per Cent. Loan of 1854-55 at the rate above mentioned on or before ; and that on the said payment being completed, he is entitled on endorsing and delivering up this certificate to receive a promissory note or notes of the Government of India for Rs. 2,000 bearing interest from*

CALCUTTA ;
The 30th July 1898.

O. T. BARROW,
Offg. Comptroller and Auditor General

FROM THE " GAZETTE OF INDIA, " DATED JULY 30, 1898.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 25th July, 1898.

No. 337.—With reference to Public Works Department Notification No. 2, dated the 4th January 1898, the services of the Honourable Mr. J. S. Beresford, Chief Engineer, 1st Class, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 25th July 1898.

T. HIGHAM,
Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 11, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 30, 1898.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 26th July, 1898.

No. 340.—*Corrigendum.*—In Public Works Department Notification No. 287, dated the 29th June 1898, replacing the services of Brevet-Colonel J. W. Thurburn, R. E., Executive Engineer, 1st Grade, on return from field service, at the disposal of the Government of the Punjab, *for* "7th June 1898" *read* "afternoon of the 2nd June 1898."

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED AUGUST 6, 1898.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 5th August, 1898.

No. 11.—The following Statute is published for general information:

EAST INDIA LOAN ACT, 1898.

[61 & 62 VICTORIA, CHAPTER 13.]

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

[1ST JULY, 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited as the East India Loan Act, 1898.

2. In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires.

Definition.

3. It shall be lawful for the Secretary of State, at any time or times, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not exceeding in the whole ten millions of pounds sterling, such sum or sums to be raised by the creation and issue of bonds, debentures, bills, or capital stock bearing interest, or partly by one of such modes and partly by another or others.

Power to Secretary of State to raise sum not exceeding 10,000,000*l*.

4. The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed ten millions of pounds sterling.

Limit of amount charged on revenues of India.

5. Upon or for the repayment of any principal moneys secured under the authority of this Act, the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal moneys under this Act may require to be repaid, but the amount so to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid.

Power to raise money for payment of principal money.

6. All bonds, debentures, and bills issued under this Act, and the principal moneys and interest thereby secured, and all capital stock issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India.

Securities to be charged on revenues of India.

7. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State at the time of passing thereof.

Saving.

8. The provisions of the East India Loan Act, 1893, as to the issue, signature, verification, terms, and conditions of bonds, debentures, and bills, and the payment of principal and interest on debentures, and the creation, registration, and transfer, of capital stock, and the composition for stamp duties, and as to criminal offences, and as to the application of the India Stock Certificate Act, 1863, shall apply in the case of bonds, debentures, and bills issued, and capital stock created, under this Act, as the case may be.

Provisions of 56 & 57 Vict., c. 70, 1893, to apply.

J. M. MACPHERSON,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 1st August, 1898.

No. 1021.—Surgeon-Colonel D. O'C. Raye, M.D., I.M.S. (Bengal), Inspector-General of Civil Hospitals, Punjab, is granted furlough out of India on private affairs, under Article 704, Army Regulations, India, Volume I, Part I, for eight months, with effect from the 10th August 1898.

ECCLESIASTICAL.

The 3rd August, 1898.

No. 379.—The Reverend H. J. Long, a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment, to be a Senior Chaplain, with effect from the 12th May 1898.

J. P. HEWETT,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 1st August, 1898.

No. 350.—Mr. J. W. B. Loughran, passed Student, Engineer Class, Thomason Civil Engineering College, Roorkee, having satisfactorily completed his course of practical training, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department, as an Assistant Engineer, 3rd Grade, with effect from the forenoon of the 25th June 1898, and posted to the Punjab.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 18, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 13, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 9th August, 1898.

No. 1670.—In exercise of the powers conferred by section 17 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is hereby pleased to declare that acetylene when liquid or when subject to a pressure greater than $1\frac{1}{10}$ atmospheres shall be deemed to be an explosive within the meaning of that Act.

ESTABLISHMENTS.

The 12th August, 1898.

No 697.—The services of Mr. R. T. Clarke, of the Indian Civil Service, are placed at the disposal of the Foreign Department, with effect from the 9th July 1898.

SANITARY.

The 11th August, 1898.

No. 1975.—Brigade-Surgeon-Lieutenant-Colonel W. A. C. Roe, I.M.S. (Bengal), Sanitary Commissioner, Punjab, is granted furlough out of India (medical certificate) for one year—two hundred and fourteen days under rules IX and XV, and the remaining period under rule XIV of the Regulations of 1868,—with effect from the 13th August 1898.

No. 1976.—Surgeon-Major C. J. Bamber, I.M.S. (Bengal), Civil Surgeon, Rawalpindi, is appointed to officiate as Sanitary Commissioner, Punjab, during the absence on furlough on medical certificate of Brigade-Surgeon-Lieutenant-Colonel W. A. C. Roe, or until further orders.

ECCLESIASTICAL.

The 12th August, 1898.

No. 397.—Her Majesty's Secretary of State for India has permitted the Reverend C. H. Richards, a Junior Chaplain on the Bengal (Rangoon) Ecclesiastical Establishment, to retire from the service, with effect from the 15th August 1898.

No. 399.—The Reverend A. B. Howard, a Chaplain on probation, is appointed to be a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment, with effect from the 27th June 1898.

J. P. HEWETT,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 12th August, 1898.

LONDON GAZETTE.

No. 896.—The following extracts are published for general information:

"*London Gazette,*" *dated the* 15*th July* 1898, *pages* 4275, 4276 *and* 4277.

INDIA OFFICE;

15*th July* 1898.

The Queen has approved of the following promotions among the officers of the Staff Corps made by the Government of India:

INDIAN STAFF CORPS.

* * * * * * * *

Captains to be Majors.

Dated 1st May 1898.

* * * * * * * *

Henry Samuel Price Davies.

* * * * * * * *

James Harry Christie.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 908.—*2nd Punjab (Simla) Volunteer Rifles*—

William James Litster, Gentleman, to be Second-Lieutenant, with effect from the 1st April 1898, *vice* Dixon, transferred to the supernumerary list.

No. 911.—*North-Western Railway Volunteer Rifles*—

Major Edward Fountaine Jacob to be Lieutenant-Colonel, with effect from the 1st April 1898, *vice* Tickner, transferred to the supernumerary list.

Lieutenant Fergus Runciman to be Captain, with effect from the 1st July 1898, *vice* Cardew, transferred to the supernumerary list.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 10th August, 1898.

No. 358.—The following promotions are ordered in the Superior Accounts Branch, with effect from the 17th June 1898 :

Name.	From.	To
* * *	* * *	* * *
Lala Jai Kishan	Deputy Examiner, Class I (*new classification*), *temporary*.	Deputy Examiner, Class I (*new classification*), sub. *pro tem*.

The 12th August 1898.

No. 362.—The following is published for general information : —

No. 865 R. T., dated Simla, the 8th August 1898.

RESOLUTION—By the Government of India, Public Works Department.

READ—

Sections 3 (4), 16 (2), 47 and 148 (1) of the Indian Railways Act (IX) of 1890.

Government of India, Public Works Department, Notification No. 480½, dated the 30th October 1890, publishing—in Part I of the *Gazette of India* of the 8th November 1890—the Government of India Resolution No. 736 R. T., dated the 17th October 1890, and the General Rules therewith promulgated for working railways under construction and not used for the public carriage of passengers, animals or goods.

Letter from the Consulting Engineer to the Government of India for Railways, Lucknow, No 3739, dated the 25th July 1898, forwarding copy of a letter from the Agent of the Southern Punjab Railway Company, No. M. 4310, dated the 18th July 1898.

OBSERVATIONS.—The Agent of the Southern Punjab Railway Company has applied for leave to adopt the General Rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which rules were published in the *Gazette of India* of the 8th November 1890, under Public Works Department Notification No. 480½, dated the 30th October 1890, on the Narwana-Kaithal branch of the Southern Punjab Railway which has been sanctioned for construction.

RESOLUTION.—The Governor-General in Council is pleased to sanction the application of the General Rules which are referred to in the foregoing observations to such portions of the Narwana-Kaithal branch of the Southern Punjab Railway as are situate in British territory.

ORDER.—Ordered that the General Rules, which have already been published in the *Gazette of India* of the 8th November 1890, be further notified to the railway servants and to the public by a copy thereof being kept open to inspection, free of any charge, in the offices of the engineer in charge of the construction of the railway.

Ordered, also, that this resolution be communicated to the Consulting Engineer to the Government of India for Railways, Lucknow, for information and guidance, and that it be published under a notification in Part I of the *Gazette of India*.

F. R. UPCOTT,

Secretary to the Government of India.

The 9th August, 1898.

No. 354.—Mr. H. F. Smallman, Executive Engineer, 1st Grade, Punjab, retired from the service of Government under Article 719, Civil Service Regulations, with effect from the afternoon of the 3rd August 1898.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 25, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 20, 1898.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 19th August, 1898.

No. 1200-*E.-B.*—The following Regulations, which have been recently revised by Command of Her Majesty the Queen, Empress of India, are published for general information :—

REGULATIONS RESPECTING FOREIGN ORDERS.

1. No subject of Her Majesty shall accept a Foreign Order from the Sovereign of any foreign country, or wear the Insignia thereof, without having previously obtained Her Majesty's permission to that effect, signified by a Warrant under Her Royal Sign-Manual.

2. Unless the Foreign Decoration shall have been conferred in consequence of active and distinguished Service, either at Sea or in the Field, such permission will not be given to any subject of Her Majesty, except in the following cases, if recommended specially by the Secretary of State for Foreign Affairs :—

(1) The Chief of a Complimentary Mission from Her Majesty.

(2) A Military or Naval Attaché on the termination of his appointment.

(3) Any person, not at the time in the service of Her Majesty, who has rendered valuable service to the Sovereign bestowing the Order outside Her Majesty's dominions, or in an Embassy or Legation of that Sovereign in this country.

3. The intention of a Foreign Sovereign to confer upon a British Subject the Insignia of an Order must be notified to Her Majesty's Principal Secretary of State for Foreign Affairs, either through the British Minister accredited to the Court of such Foreign Sovereign, or through His Minister accredited at the Court of Her Majesty.

4. If the service for which it is proposed to confer the Order has been performed during War, the Notification required by the preceding Clause must be made not later than two years after the exchange of the Ratifications of a Treaty of Peace.

If the service has been performed in time of Peace, the Notification must be made within two years after the date of such service.

5. After such Notification shall have been received, Her Majesty's Principal Secretary of State for Foreign Affairs shall, if the case comes within the conditions prescribed by the present Regulations, and arises from Naval or Military Services before the Enemy, refer it to Her Majesty's Principal Secretary of State for the War Department, previously to taking Her Majesty's pleasure thereupon, in order to ascertain whether there be any objection to Her Majesty's permission being granted.

A similar reference shall also be made to the Commander-in-Chief if the application relates to an Officer in the Army, or to the Lords of the Admiralty if it relates to an Officer in the Navy.

6. When Her Majesty's Principal Secretary of State for Foreign Affairs shall have taken the Queen's pleasure on any such application, and shall have obtained Her Majesty's permission for the person in whose favour it has been made to accept the Foreign Order, and wear the Insignia thereof, he shall signify the same to Her Majesty's Principal Secretary of State for the Home Department, in order that he may cause the Warrant required by Clause 1 to be prepared for the Royal Sign-Manual.

When such Warrant shall have been signed by the Queen, a Notification thereof shall be inserted in the "Gazette," stating the service for which the Foreign Order has been conferred.

7. The Warrant signifying Her Majesty's permission may, at the request and at the expense of the person who has obtained it, be registered in the College of Arms.

8. Every such Warrant as aforesaid shall contain a Clause providing that Her Majesty's license and permission does not authorise the assumption of any style, appellation, rank, precedence, or privilege appertaining to a Knight Bachelor of Her Majesty's Realms.

9. When a British subject has received the Royal permission to accept a Foreign Order, he will at any future time be allowed to accept the Decoration of a Higher Class of the same Order, to which he may have become eligible by increase of rank in the Foreign Service, or in the Service of his own country; or any other distinctive mark of honour strictly consequent upon the acceptance of the original Order, and common to every person upon whom such Order is conferred.

10. The preceding Clause shall not be taken to apply to Decorations of the Guelphic Order, which were bestowed on British subjects by Her Majesty's predecessors King George IV and King William IV., on whose heads the Crowns of Great Britain and of Hanover were united.

Decorations so bestowed cannot properly be considered as rewards granted by a Foreign Sovereign for services rendered according to the purport of Clause 2 of these Regulations. They must be rather considered as personal favours bestowed on British subjects by British Sovereigns, and as having no reference to services rendered to the Foreign Crown of Hanover.

FOREIGN OFFICE:
23rd June, 1898.

REGULATIONS RESPECTING FOREIGN MEDALS.

1. Applications for permission to accept and wear Medals which, not being the Decoration of any Foreign Order, are conferred by a Foreign Sovereign on British subjects in the Army or Navy, should be addressed to the Commander-in-Chief or the Lords of the Admiralty, as the case may be, who, if they see fit, may submit the same for Her Majesty's sanction, upon obtaining which they may grant such permission without other formality.

2. Any other British subject, having obtained Her Majesty's permission, is at liberty to accept and wear a Foreign Medal, not being the Decoration of a Foreign Order.

3. No permission is necessary for accepting a Foreign Medal, if such Medal is not to be worn.

(Sd.) SALISBURY.

FOREIGN OFFICE:
August, 1885.

W. J. CUNINGHAM,
Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

ESTIMATES AND ACCOUNTS.

Simla, the 17th August, 1898.

No. 3588 *A.*—With reference to paragraph 9 of Notification No. 3306, dated the 30th July 1898, issued in the *Gazette of India* Extraordinary of that date, it is notified for general information that the rate of Rupees ninety-four annas four for every hundred rupees has been fixed as the minimum rate at which tenders will be accepted for the three-and-a-half per cent. loan of one hundred and twenty lakhs announced in the notification of the 30th July 1898.

STEPHEN JACOB,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 19th August, 1898.

SPECIAL.

No. 936.—With reference to Article 280, Army Regulations, India, Volume I, Part I, the undermentioned officers having been absent from military duty for ten years are transferred to the supernumerary list, with effect from the dates specified :—

Captain C. P. Egerton, Deputy Commissioner, 3rd Grade, Punjab,—6th March 1898.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS AND PROMOTIONS.

No. 937.—*1st Punjab Volunteer Rifles.*—Aubrey Hastings Parker, Gentleman, to be Second-Lieutenant, with effect from the 1st July 1898, *vice* Chevis, transferred to the supernumerary list.

P. J. MAITLAND, *Major-General*,
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 1, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 27, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

PLAGUE.

Simla, the 25th August 1898.

No. 2136.—In exercise of the powers conferred by Section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste paper from the Civil and Military Station of Bangalore and the Bangalore District of the Mysore State into any part of British India.

JAILS.

The 24th August 1898.

No. 376.—The services of Surgeon-Captain G. F. W. Ewens, M. D., I. M. S. (Ben gal) are placed permanently at the disposal of the Government of the Punjab.

J. P. HEWETT,

Secretary to the Governmentof India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 25th August 1898.

No. 1797—111-15.—The following draft of certain orders, which it is proposed to issue in exercise of the powers conferred by Section 3, sub-section (1), of the Live-Stock Importation Act, 1898 (IX of 1898), is published for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council after the expiry of a fortnight from the date of this Notification.

2. Any objection or suggestion which may be received from any person with respect to the said draft before that date will be received and considered by the Governor-General in Council.

Draft of proposed orders.

1. No horses, kine or sheep, and no fodder, dung, stable-litter, clothing, harness or fittings appertaining to such live-stock, which have been shipped at any port situate in the colony of Queensland, or which have been in the said colony of Queensland at any time within 90 days prior to their shipment for British India, or which have been on board any ship which has at any time within 180 days prior to their shipment for British India carried such live-stock from the said colony of Qeensland, shall be brought by sea or land into British India without the written permission of an officer empowered by the Local Government in this behalf :

Provided that such permission shall not be granted in respect of the importation by sea of such live-stock at any ports other than the ports of Calcutta, Madras, Bombay, Karáchi and Rangoon.

2. No horses, kine or sheep, which an officer empowered by the Local Government in this behalf certifies in writing to be affected, or liable to be affected, by any infectious or dangerous disorder, and no fodder, dung, stable-litter, clothing, harness or fittings appertaining to such live-stock, shall be landed at any port in British India without the written permission of such officer as aforesaid.

3. When the importation of live-stock, or of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to such live-stock, is permitted under either of the foregoing provisions, such importation shall be subject to, and shall be conditional on the observance of, the rules in respect of detention, inspection, disinfection or destruction which the Local Government may from time to time make under Section 4 of the Live-Stock Importation Act, 1898.

4. The certificates and permissions mentioned above shall be addressed, in the case of live-stock on board a ship, to the master or to the agents of the ship, or to both ; and, in the case of live-stock on land, to the person in immediate possession of the same or to the owner, or to both.

T. W. HOLDERNESS,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SALARIES, &C.

COMPENSATION.

No. 3672-*Ex.*

Simla, the 22nd August 1898.

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read again—

Resolution by the Government of India, Finance and Commerce Department, No. 2422-Ex., dated the 31st May 1897, and the revised rules for the grant of Exchange Compensation Allowance appended thereto.

Read also—

Despatch from Her Majesty's Secretary of State for India, No. 63 (Military), dated the 23rd June 1898.

RESOLUTION.—Clause (*b*), Rule V of the rules cited in the preamble runs as follows :—

"Exchange compensation is not admissible to persons serving under a contract in which their allowances are definitely fixed, which is not preliminary to employment in one of the regular services of the Government, and five years of service under which have not elapsed."

With reference to a recent despatch from Her Majesty's Secretary of State for India, His Excellency the Governor-General in Council is pleased to direct that the following note be inserted after this clause :—

"*Note.*—This clause relates only to persons appointed under a written contract in India. A European so appointed in England will, under paragraph 3 of the Resolution publishing the rules, be entitled to Exchange Compensation Allowance if his salary is not fixed in sterling, and there is nothing in his agreement to exclude him from the allowance."

ORDER—Ordered that the foregoing Resolution be published in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations, to all Departments of the Government of India, to Heads of Departments subordinate to the Financial Department, to the Comptroller and Auditor-General, and to all Accountants General and Comptrollers.

STEPHEN JACOB,

Offg. Secretary to the Government of India.

ACCOUNTS AND FINANCE.

RULES AND GENERAL MATTERS.

No. 3744 A.

The 24th August 1898.

RESOLUTION—By the Government of India, Finance and Commerce Department.

READ—

Resolution in this Department, No. 1321, dated the 19th July 1872.

RESOLUTION.—In supersession of the orders contained in the Resolution read in the preamble, His Excellency the Governor-General in Council is pleased to prescribe the following rules for calculating the capitalised value of all permanent periodical payments to or by Government :—

(1) When Government is entitled to receive a periodical payment in perpetuity, and existing orders authorise the commutation of that payment for a single payment, the said single payment should not be less than thirty times the amount annually paid. If the payer is not willing to commute at this rate, the right to receive periodical payment should not be given up.

(2) When Government is under an obligation to make a periodical payment in perpetuity, and existing orders authorise the commutation of that payment for a single payment, the said single payment should not be more than twenty times the amount annually paid. If the payee is not willing to commute at this rate, the system of periodical payment should continue.

2. The above rules apply only to cases of actual commutation of payment. They do not affect any orders relating to the valuation of a grant, assessment, or other concession or demand, when such valuation is made for official purposes only, and not for the calculation of an actual payment.

3. Remissions of land revenue when made in the case of land taken up for a public purpose should be valued at twenty-five times the annual amount of land revenue remitted.

ORDER.—Ordered that this Resolution be communicated to the several Departments of the Government of India, to all Local Governments (except Bengal) and Administrations, to the Government of Bengal with reference to its letter No. 4681-F., dated the 21st August 1897, to the Comptroller and Auditor General and to all Accountants General and Comptrollers.

Ordered also that it be published in the *Gazette of India* for general information.

H. H. RISLEY,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 26th August 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, AND RESIGNATIONS.

No. 968.—*1st Punjab Volunteer Rifles*—

Lieutenant John Fitzgerald Lee to be Captain to complete the establishment.

Second-Lieutenant Alfred Ernest Fox to be Lieutenant, *vice* Lee, promoted.

Lancelot Colin Glascock, Gentleman, to be Second-Lieutenant, *vice* Fox, promoted.

No. 972.—*North-Western Railway Volunteer Rifles*—

Lieutenant Henry Luckstedt to be Captain, with effect from the 1st July 1898, *vice* Thelwall, transferred to the Supernumerary List.

Second-Lieutenants Herbert Cecil Vincent Sage and John James Henderson to be Lieutenants, with effect from the 1st July 1898, *vice* Runciman and Luckstedt, promoted.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th August 1898.

No. 385.—The following is published for general information :—

No. 893 R. T., dated Simla, the 19th August 1898.

RESOLUTION—By the Government of India, Public Works Department.

General Rules of 1895 *for working railways open for traffic.*

Read—

Section 47 of the Indian Railways Act, 1890.

Government of India, Public Works Department, Notification No. 118, dated the 21st March 1895, publishing—in Part I of the *Gazette of India* of the 23rd March 1895—the Government of India Circular No. 6 Railway, dated the 12th March 1895, and the General Rules therewith promulgated for all open lines of railway in British India administered by the Government.

Government of India, Public Works Department, Notification No. 257, dated the 28th May 1896, publishing—in Part I of the *Gazette of India* of the 30th May 1896—the Government of India Circular No. 3 Railway, dated the 22nd May 1896, and the amended rules therewith promulgated.

Government of India, Public Works Department, Notification No. 55, dated the 5th February 1897, publishing—in Part I of the *Gazette of India* of the 6th February 1897—the Government of India Circular No. 3 Railway, dated the 3rd February 1897, and the addenda and corrigenda therewith promulgated.

Government of India, Public Works Department, Notification No. 5, dated the 5th January 1898, publishing—in Part I of the *Gazette of India* of the 8th January 1898—the Government of India Circular No. 12 Railway, dated the 9th December 1897, and the addenda and corrigenda to Appendix B, Part II, of the rules therewith promulgated.

Government of India, Public Works Department, Notification No. 104, dated the 10th March 1898, publishing—in Part I of the *Gazette of India* of the 12th March 1898—the Government of India Circular No. 1 Railway, dated the 3rd March 1898, and the modification therewith promulgated of Rule III, Appendix A, of the rules.

Government of India, Public Works Department, Notification No. 134, dated the 23rd March 1898, publishing—in Part I of the *Gazette of India* of the 26th March 1898—the Government of India Circular No. III Railway, dated the 15th March 1898, and the amended rules Nos. 231 and 232 of Part I, therewith promulgated.

Government of India, Public Works Department, Notification No. 4, dated the 6th January 1898—published in Part I of the *Gazette of India* of the 8th January 1898—appointing the Director of Railway Traffic and Deputy Secretary to the Government of India, Public Works Department, Railway Branch, as the officer who, in the case of a Railway administered by Government, is to make General Rules under Section 47 of the Indian Railways Act, 1890.

Letter from the Director of Railway Traffic, No. 809 R. T., dated the 29th July 1898.

OBSERVATIONS.—The Director of Railway Traffic has applied that the General Rules for working open lines of railway in British India, which have been published under the Government of India, Public Works Department, Notification No. 118, dated the 21st March 1895 (*vide* the *Gazette of India* of the 23rd March 1895) as modified by the Government of India circulars Nos. 3 Railway, dated the 22nd May 1896, 3 Railway, dated the 3rd February 1897, 12 Railway, dated the 9th December 1897, 1 Railway, dated the 3rd March 1898, and III Railway, dated the 15th March 1898, which were published under Public Works Department notifications Nos. 257, dated the 28th May 1896, 55, dated the 5th February 1897, 3, dated the 5th January 1898, 104, dated the 10th March 1898, and 134, dated the 23rd March 1898 (*vide* the *Gazette of India* of the 30th May 1896, 6th February 1897, 8th January 1898, 12th March 1898, and 26th March 1898), may be made applicable to the Mari-Attock Railway.

RESOLUTION.—The Governor-General in Council is pleased to sanction the application of the General Rules which may, for the time being and hereafter from time to time, be in force on the North-Western Railway, to the Mari-Attock Railway, with effect from such date as it may be opened for the public carriage of passengers, animals or goods.

ORDER.—Ordered that this resolution be published under a notification in Part I of the *Gazette of India*, as required by Section 47, sub-section (3), of the Indian Railways Act, 1890; also that the General Rules cited in the foregoing observations be kept at railway stations as directed by sub-section (6) of the same section.

Ordered, also, that this resolution be communicated to the Manager, North-Western Railway, for information and guidance.

F. R. UPCOTT,

Secretary to the Government of India.

The 24th August 1898.

No. 384.—Sergeant A. H. Johnston, Supervisor, 2nd Grade, Military Works Department, is appointed to officiate as an Assistant Engineer in the Provincial Service of the Engineer Branch of the Public Works Department and posted to the Punjab Public Works Department.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED AUGUST 27, 1898.

GOVERNMENT OF INDIA, HOME DEPARTMENT.

FUTURE POSITION AND PROSPECTS OF CIVIL ASSISTANT SURGEONS.

Nos. 1141—1150.

Extract from the Proceedings of the Government of India, in the Home Department (Medical),—under date Simla, the 22nd August 1898.

Read—

Letter from the Government of Bengal, No. 773 (Medical), dated 27th February 1895, forwarding, with certain recommendations, the report of a Committee appointed by the Local Government on the pay and prospects of Civil Assistant Surgeons.

Home Department letter No. 671, dated 20th September 1895, replying to the above.

Home Department Circular to Local Governments and Administrations, No. 19-Medical / 663—69, dated 20th September 1895.

The replies of Local Governments and Administrations to the above-mentioned Circular.

Read also—

Despatch from the Government of India, to the Secretary of State, No. 16, dated 27th January 1898.

Despatch from the Secretary of State, No. 72 (Public), dated 19th May 1898.

RESOLUTION.

The question of improving the position and prospects of Civil Assistant Surgeons has been for some time under the consideration of the Government of India. The constitution of the Medical Services in India did not fall within the scope of the inquiries of the Public Service Commission. The portion of the Civil Medical Service officered by Assistant Surgeons occupies practically the same position in respect of pay as at the time of its first constitution as a regular Government service in 1849. But of recent years the opportunities which are offered to natives of India, educated in Medicine according to European methods, of earning a living by private practice without entering Government service have much increased, and as a consequence members of the service have some reason to be dissatisfied with their prospects. Definite proposals for effecting improvements in the conditions of their service were submitted by the Government of Bengal in the letter of the 27th February 1895, which is cited above. That Government had taken advantage of the existence of a Committee, which had been assembled under its orders to consider questions relating to the pay and prospects of Civil Hospital Assistants, to refer to them the similar questions affecting Civil Assistant Surgeons.

On receipt of the recommendations of the Government of Bengal, the Government of India decided to devise a scheme for the improvement of the class of Civil Assistant Surgeons not only in Bengal, but throughout India.

2. In the Home Department Circular of the 20th September 1895, cited above, the opinion of Local Governments and Administrations was invited upon the proposals which commended themselves to the Governor-General in Council as likely to be suitable for adoption throughout India. These were—

(*a*) the abolition of unemployed pay, which is the rate of pay which an Assistant Surgeon receives in certain Provinces while he is supernumerary and without a definite appointment;

(*b*) the creation of a new grade of Civil Assistant Surgeons on a higher rate of pay (Rs. 300 a month); and

(*c*) the reservation of a certain number of civil stations for the medical charge of Civil Assistant Surgeons.

The Government of India observed that under existing orders unemployed pay is given to Assistant Surgeons only when, having no temporary or permanent charges, they are merely attached to hospitals or on similar duty, that the number on unemployed pay would, if the service were carefully recruited, be very small, and that it would be a necessary condition of the abolition of unemployed pay altogether, except as a punishment, that greater care should be exercised in controlling recruitment.

The proposal to create a higher grade on Rs. 300 a month is a modified form of the recommendation made by the Bengal Committee that an increase of Rs. 50 a month should be granted to Civil Assistant Surgeons at the end of 21 years' service, subject to a professional examination, and that those who were in receipt of this allowance should be graded as Senior Assistant Surgeons. While it seemed to the Government of India that the Committee's proposal would in a measure ameliorate the prospects of Assistant Surgeons, they suggested the following scheme as being more likely to increase the attractiveness of the service :—

(i) that the *cadre* of Assistant Surgeons should be divided into four grades—on Rs. 100, 150, 200 and 300 a month, respectively;

(ii) that the pay of Rs. 100 should be drawn continuously from the date of entry into the service;

(iii) that promotion to the grade of Rs. 150 should be made after seven years' service, subject to the usual examination;

(iv) that after 14 years' service a second examination should be held for promotion to the grade on Rs. 200, to which only those considered by the Inspector-General of Civil Hospitals to be fit for promotion would be admitted;

(v) that promotion from the grade on Rs. 200 to that on Rs. 300 should be made entirely by selection and without any further examination, but subject to a minimum of seven years' service in the lower grade;

(vi) that further advancement to the independent charge of a civil station should depend on exceptional qualifications and ability. In order to meet as far as practicable the expenditure involved in this proposal without incurring additional expense, the Government of India suggested that it might be necessary to impose a limit on the number of promotions made to the grade on Rs. 200.

The proposal that Assistant Surgeons should be entitled to be appointed to the medical charge of a certain number of stations, if that could be arranged with due regard to the number of Civil Surgeoncies reserved for Commissioned Medical Officers and for Military Assistant Surgeons, commended itself to the Governor-General in Council, but His Excellency in Council was of opinion that it would not be advisable, even if it were possible, to specify, as the Bengal Government had proposed, any particular stations as charges to be held by Assistant Surgeons.

3. The views of Local Governments and Administrations upon the questions referred to them accorded closely with those of the Government of India, and the Governor-General in Council has now much pleasure in announcing the following changes in the conditions of service of Civil Assistant Surgeons, which the respective Local Governments and Administrations may bring into operation at once.

4. In future Assistant Surgeons will not be placed on unemployed pay, except as a punishment. This change will not effect Madras, Bombay, Burma or the Central Provinces, where the system of unemployed pay is not in force.

If recruitment is regularly and systematically carried out, the number of candidates who will be supernumeraries without employment in particular charges will be small, but it will be necessary for Local Governments and Administrations to exercise the greatest possible care in framing their periodical estimates for recruits.

5. A senior grade of Civil Assistant Surgeons on a salary of Rs. 300 a month is sanctioned. The number of Senior Assistant Surgeons in each Province must not exceed 10 per cent. of the total strength of the service in the Province, but Assistant Surgeons who may be permanently appointed to the charge of civil stations will not be included in this percentage. It is not necessary that all the appointments to the senior grade which can be made under these orders should be made at once. The question whether the full number should be at once worked up to must be decided at the discretion of the Local Government and the Inspector-General of Civil Hospitals in each case, but only thoroughly competent officers should be appointed. Promotion from the first grade on Rs. 200 to the senior grade will be made entirely by selection and without examination. It has been decided not to insist on a limitation of seven years' service to be passed in the Rs. 200 grade before further promotion, since its enforcement would unduly restrict the selection of officers for the senior grade. Promotion from the grades on Rs. 100 and Rs. 150, respectively, will, as hitherto, depend on the results of the examinations passed after a service of not less than seven years in each of those grades. Promotion to the first grade on Rs. 200 will be given to officers of not less than 14 years' service who have passed the second examination. Future entrants into the service will be permitted to appear at the second examination, not as a matter of course, but when they are considered by the Inspector-General of Civil Hospitals to be fit for promotion beyond the grade on Rs. 150. The proposal to meet the cost of the senior grade by restricting the number of promotions to the grade on Rs. 200 has been abandoned.

6. Although this portion of the scheme will not apply immediately to the Madras Presidency, the Government of India desire the Madras Government to take steps to assimilate the pay and position of Assistant Surgeons in that Presidency to those of other Provinces as soon as practicable. At present this cannot be done, because the creation of the Assistant Surgeon class in that Presidency is of comparatively recent date.

	Old scale.		New scale.	
	Pay.	Allowance.	Pay.	Allowance.
	Rs.	Rs,	Rs.	Rs.
1st Class	200	150	200	50
2nd "	150	150	150	35
3rd "	100	100	100	20

7. In the Bombay Presidency Assistants Surgeons draw pay and allowances under two scales, as shown in the margin, according as they began their studies for medical diplomas before or after September 1876. The officers on the two scales require separate treatment. The Government of Bombay have proposed to create for the officers at present in the first class of the new scale four appointments on Rs. 350 (Rs. 300 pay and Rs. 50 allowance), the appointments being kept vacant until the Assistant Surgeons specially selected for them have rendered at least 21 years of approved service. For the officers under the old scale no increase in emoluments is necessary, but it is proposed to improve their pensionary prospects by converting four appointments on Rs. 200 pay *plus* Rs. 150 allowance into four appointments on Rs. 300 pay *plus* Rs. 50 allowance. These proposals are sanctioned with the approval of the Secretary of State. The Government of India desire, however, that, as soon as practicable, with due consideration of the expectations of those already in the service, the Assistant Surgeons in the Bombay Presidency may be placed on the same footing as those elsewhere.

Madras	5
Bombay	2
Bengal	5
North West Provinces and Oudh	2
Punjab	3
Burma	2
Total ...	19

8. At present there are, including one officer in Madras and two in the Punjab, who have been promoted to be Uncovenanted Medical Officers, only five Assistant Surgeons who have been placed in permanent charges of civil stations. In reply to the reference made in the Circular of 20th September 1895 the Local Governments have expressed their willingness to reserve 19 Civil Surgeoncies, distributed as shown in the margin, to be filled by Civil Assistant Surgeons. For the present the Government of India sanction the reservation of this number of Civil Surgeoncies for Assistant Surgeons, leaving it to the Local Governments to appoint them to such stations as may be considered suitable. The Government of India are in correspondence with Local Governments with the object of increasing the number of Civil Surgeoncies to be thrown open to Civil Assistant Surgeons to 28, and trust that it will be found possible to raise them to this figure. When posted permanently to the independent charge of a civil station, an Assistant Surgeon will receive a consolidated salary of Rs. 350—30—500 a month. When in temporary charge, he will draw acting allowances on the minimum pay (Rs. 350) fixed for an officer holding permanent charge.

9. The introduction of the new arrangements is subject to the express condition that Municipal and Local Funds shall pay, in full measure, for the services of the Government Assistant Surgeons who are attached to Municipal and Local Fund Hospitals. The

contributions payable to Government by those local bodies for the cost of the services of an Assistant Surgeon must therefore be raised in the Provinces where such contributions are calculated with reference to the pay only, and do not include consideration of leave allowances and pensions.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations (except Coorg and Hyderabad) for information and guidance and to the Department of Finance and Commerce for information.

Ordered also, that the Resolution be published in the Supplement to the *Gazette of India.*

[True Extract.]

J. P. HEWETT,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 8, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 3, 1898.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 2nd September, 1898.

No. 1198.—Surgeon-Colonel A. Stephen, M.B., I.M.S. (Bengal), Principal Medical Officer and Sanitary Commissioner, Assam District, is appointed to officiate as Inspector-General of Civil Hospitals, Punjab, during the absence on furlough of Surgeon-Colonel D. O'C. Raye, M.D., or until further orders.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 2nd September, 1898.

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 993.—His Excellency the Governor-General of India has been pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers of the Indian Volunteer Force, who have been duly recommended for the same under the Royal Warrant of the 24th May 1894 (India Army Circulars of 1894, clause 101) :—

North-Western Railway Volunteer Rifles.

Major Edward Fountaine Jacob.

Captain Charles James Keene.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th August, 1898.

No. 390.—Lála Rulla Rám, Accountant, 1st Grade, and Assistant Examiner (honorary rank), attached to the office of the Examiner, Public Works Accounts, Punjab, is appointed to officiate as a Deputy Examiner of Accounts, Class II (new classification), with effect from the 6th May 1898, and until further orders.

The 2nd September, 1898.

No. 396.—The Governor-General in Council is pleased to order the following *temporary* promotions in the classes of Chief and Superintending Engineers, with effect from the dates specified :—

Names.	From	To	With effect from
Preston, S.	Superintending Engineer, 1st Class, temporary rank.	Chief Engineer, 3rd Class ...	14th January 1898.
Field, G. M. R. ...	Executive Engineer, 1st Grade.	Superintending Engineer, 3rd Class.	14th January 1898.
* * *	* * *	* * *	* *
Jacob, Colonel S. L., R E. ...	Chief Engineer, 3rd Class ...	Chief Engineer, 2nd Class ...	18th February 1898.
* * *	* * *	* * *	* *
Phelan, A. B.*	Superintending Engineer, 3rd Class.	Superintending Engineer, 2nd Class.	5th March 1898.
* * *	* * *	* * *	* *

* The temporary promotions of these officers gazetted under Notification No. 192, dated the 5th May 1898, are cancelled.

No. 399.—The Governor-General in Council is pleased to order the following promotions to and in the classes of Superintending Engineers, with effect from the dates specified :—

Names.	From	To	Nature of promotion.	With effect from
* * *	* * *	* * *	* *	* *
Kennedy, R. G. ...	Superintending Engineer, 3rd Class, temporary rank.	Superintending Engineer, 2nd Class.	Temporary ...	3rd May 1898.
* * *	* * *	* * *	* *	* *

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 15, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 10, 1898.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

POST OFFICE.

Simla, the 9th September, 1898.

No. 3979-*S. R.*—In exercise of the powers conferred by Section 7 of the Indian Post Office Act, 1898, the Governor-General in Council is pleased to fix the following rates of postage to be charged in respect of letters sent by the inland post, with effect from the 1st October 1898:—

For a letter the weight of which does not exceed half a tola	... Half an anna.
For a letter the weight of which exceeds half a tola, but does not exceed one and a half tolas	... One anna.
For every additional one and a half tolas or fraction of that weight	... One anna

H. H. RISLEY,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 3rd September, 1898.

No. 401.—Mr. B. Parkes, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the forenoon of the 17th August 1898, during the absence on privilege leave of Mr. B. G. Wallis, or until further orders.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 22, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 17, 1898.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 16th September 1898.

No. 749.—The services of Lieutenant-Colonel J. B. Hutchinson, Commissioner and Superintendent of the Lahore Division, are placed temporarily at the disposal of the Military Department.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 29, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 24, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 23rd September, 1898.

No. 1885.—In accordance with the provisions of section 18, sub-section (1), of the Indian Explosives Act, 1884, and with the directions contained in Home Department Notification No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish for general information the following draft rule which it is proposed to substitute for Rule 6—XIX of the rules to regulate the transport and importation of explosives, published with the Notification of the Government of India in the Home Department, No. 1393, dated the 8th July, 1897.

The draft will be taken into consideration on the expiry of two months from the date of this Notification:

Draft rule.

6—XIX. If the wagons employed in the transport of explosives are provided with brakes *other than iron brakes*, the brakes thereon shall on no account be worke while the wagons are running with a train, nor shall brakes other than iron brakes on vehicles immediately adjoining such wagons be worked while such wagons are so running.

EXAMINATIONS.

The 23rd September, 1898.

No. 417.—The following Regulations respecting the Examination of candidates for the Civil Service of India, to be held in August, 1899, are published for general information:—

Copies of these Regulations may be obtained on application to the Secretary to the Government of India in the Home Department.

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

An open Competitive Examination for admission to the Civil Service of India will be held in London, under the subjoined Regulations, commencing on the 1st August, 1899.

The number of persons to be selected at this Examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received on or before the 31st May, 1899, *an application on the prescribed form accompanied by a list of the subjects in which the candidate desires to be examined.*

The Order for admission to the Examination will be posted on the 18th July, 1899, *to the address given on the Form of Application. It will contain instructions as to the time and place at which candidates will be required to attend, and as to the manner in which the fee* (£6) *is to be paid.*

Civil Service Commission,
July, 1898.

REGULATIONS.

*** *The following Regulations, made by the Secretary of State for India in Council, are liable to alteration from year to year.*

1. An Examination for admission to the Civil Service of India, opened to all qualified persons, will be held in London in August of each year. The date of the Examination and the number of appointments to be made for each Province will be announced beforehand by the Civil Service Commissioners.

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners —

(i) that he is a natural-born subject of Her Majesty ;

(ii) that he had attained the age of twenty-one, and had not attained the age of twenty-three, on the first day of the year in which the Examination is held ;

[N. B.—*In the case of Natives of India it will be necessary for a Candidate to obtain a certificate of age and nationality signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides.*]

(iii) that he has no disease, constitutional affection, or bodily infirmity unfitting him, or likely to unfit him, for the Civil Service of India ;

(iv) that he is of good moral character.

3. Should the evidence upon the above points be *primâ facie* satisfactory to the Civil Service Commissioners the Candidate, on payment of the prescribed fee, will be admitted to the Examination. The Commissioners may, however, in their discretion at any time prior to the grant of the Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary ; and if the result of such inquiries, in the case of any Candidate, should be unsatisfactory to them in any of the above respects, he will be ineligible for admission to the Civil Service of India, and if already selected, will be removed from the position of a Probationer.

4. The Open Competitive Examination will take place only in the following branches of knowledge :—

	Marks.
English Composition	500
Sanskrit Language and Literature	500
Arabic Language and Literature	500
Greek Language and Literature	750
Latin Language and Literature	750
English Language and Literature (including special period named by the Commissioners) (*a*)	500
French Language and Literature	500
German Language and Literature	500
Mathematics (pure and applied)	900
Advance Mathematical Subjects (pure and applied)	900

(*a*) A Syllabus, defining the character of the Examination in the various subjects, may be obtained on application to the Secretary, Civil Service Commission.

Natural Science, *i.e.*, any number not exceeding *three* of the following subjects:—

		Marks.
Elementary Chemistry and Elementary Physics ... ... (*N.B.*—This subject may not be taken up by those who offer either Higher Chemistry or Higher Physics.)	600	
Higher Chemistry ...	600	
Higher Physics ...	600	1,800
Geology ...	600	
Botany ...	600	
Zoology ...	600	
Animal Physiology ...	600	
Greek History (Ancient, including Constitution) ...		400
Roman History (Ancient, including Constitution) ...		400
English History ...		500
General Modern History (one of the periods specified in the Syllabus issued by the Commissioners) (*a*) ...		500
Logic and Mental Philosophy (Ancient and Modern) ...		400
Moral Philosophy (Ancient and Modern) ...		400
Political Economy and Economic History ...		500
Political Science (including Analytical Jurisprudence, the Early History of Institutions, and Theory of Legislation) ...		500
Roman Law ...		500
English Law. Under the head of "English Law" shall be included the following subjects, *viz.*:—(1) Law of Contract; (2) Law of Evidence; (3) Law of the Constitution; (4) Criminal Law; (5) Law of Real Property; and of these five subjects Candidates shall be at liberty to offer any four, but not more than four ...		500

Candidates are at liberty to name any or all of these branches of knowledge (*a*). None is obligatory.

5. The merit of the persons examined will be estimated by marks; and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. The marks assigned to candidates in each branch will be subject to such deduction as the Civil Service Commissioners may deem necessary (*b*) in order to secure that no credit be allowed for merely superficial knowledge.

7. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the branches in which he shall have been examined, will be added up, and the names of the several Candidates who shall have obtained, after the deduction above mentioned, a greater aggregate number of marks than any of the remaining Candidates, will be set forth in order of merit, and such Candidates shall be deemed to be selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case, the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a selected Candidate. A Candidate entitled to be deemed a selected Candidate, but declining to accept the nomination as such, which may be offered to him, will be disqualified for any subsequent competition.

9. Selected Candidates before proceeding to India will be on probation for one year, at the end of which time they will be examined, with a view of testing their progress in the following subjects (*c*):—

Compulsory—

	Marks
1. Indian Penal Code and Criminal Procedure Code ...	500
2. The Principal Vernacular Language of the Province to which the Candidate is assigned ...	400
3. The Indian Evidence Act and the Indian Contract Act ...	500

Optional. [Not more than two of the following subjects, of which one must be either the Code of Civil Procedure or Hindu and Muhammadan Law. Candidates offering one subject only are restricted to a choice between the two Law subjects specified.]

1. The Code of Civil Procedure ...	400
2. Hindu and Muhammadan Law ...	450
*3. Sanskrit ...	400
*4. Arabic ...	400
5. Persian ...	400
6. History of British India ...	350
7. Chinese (for Candidates assigned to the Province of Burma only) ...	400

(*a*) A Syllabus, defining the character of the Examination in the various subjects, may be obtained on application to the Secretary, Civil Service Commission.

(*b*) No deduction will be made from the marks assigned to Candidates in Mathematics or English Composition.

(*c*) Instructions, showing the extent of the Examination, will be issued to the successful Candidates as soon as possible after the result of the Open Competition is declared.

* These subjects may not be offered by any Candidate who has offered them at the Open Competition.

In this Examination, as in the Open Competition, the merit of the Candidates examined will be estimated by marks (which will be subject to deductions in the same way as the marks assigned at the Open Competition), and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary. This Examination will be held at the close of the year of probation, and will be called the "*Final Examination.*"

10. The selected Candidates will also be tested during their probation as to their proficiency in Riding.

The examinations in Riding will be held as follows :—

(1) Shortly after the result of the Open Competitive Examination has been declared, or at such time or times as the Commissioners may appoint during the course of the probationary year.

(2) Again, at the time of the Final Examination, candidates who may fully satisfy the Commissioners of their ability to ride well and to perform journeys on horseback, shall receive a Certificate which shall entitle them to be credited with 200 or 100 marks, according to the degree of proficiency displayed, to be added to their marks in the Final Examination.

(3) Candidates who fail to obtain this Certificate, but who gain a Certificate of minimum proficiency in Riding, will be allowed to proceed to India, but will be subjected on their arrival to such further tests in Riding as may be prescribed by their Government, and shall receive no increase to their initial salary until they have passed such tests to the satisfaction of that Government. A Candidate who fails at the end of the year of probation to gain at least the Certificate of minimum proficiency in Riding will be liable to have his name removed from the list of Selected Candidates.

11. The selected Candidates who, at the Final Examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force, at the time, for that Service.

12. Persons desirous to be admitted as Candidates must apply on Forms, which may be obtained from "The Secretary, Civil Service Commission, London, S. W.," at any time after the 1st December, in the year previous to that in which the Examination is to be held. The Forms must be returned so as to be received at the office of the Civil Service Commissioners on or before the 31st May (or, if that date should fall upon a Sunday or public holiday, then, on or before the first day thereafter on which their office is open) in the year in which the Examination is to be held.

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements :—

(i) *Selected Candidates will be allotted to the various Provinces upon a consideration of all the circumstances, including their own wishes; but the requirements of the Public Service will rank before every other consideration.*

(ii) *An allowance amounting to £ 100 will be given to all Candidates who pass their probation at one of the Universities or Colleges which have been approved by the Secretary of State, viz., the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St. Andrews and Aberdeen; Victoria University, Manchester ; University College, London; and King's College, London; provided such Candidates shall have passed the Final Examination to the satisfaction of the Civil Service Commissioners, and shall have conducted themselves well and complied with such rules as may be laid down for the guidance of selected Candidates. The whole probation must ordinarily be passed at the same Institution. Migration will not be permitted, except for special reasons approved by the Secretary of State.*

(iii) *The allowance of £ 100 will not be paid to any Selected Candidate until he has been certified by the Civil Service Commissioners to be entitled to be appointed to the Civil Service of India : and every Certificated Candidate must, before receiving his allowance, give a written undertaking to refund the amount in the event of his failing to proceed to India.*

(iv) *All Candidates obtaining Certificates will be also required to enter into covenants, by which, amongst other things, they will bind themselves to make such payments as under the rules and regulations for the time being in force they may be required to make towards their own pensions or for the pensions of their families. The stamps payable on these covenant amount to £ 1.*

(v) *The seniority in the Civil Service of India of the Selected Candidates will be determined according to the order in which they stand on the list resulting from the combined marks of the Open Competitive and Final Examinations.*

(vi) *Selected Candidates will be required to report their arrival in India within such period after the grant of their Certificate of Qualification as the Secretary of State may in each case direct.*

(vii) *Candidates rejected at the Final Examination held in any year will in no case be allowed to present themselves for re-examination.*

N.B.—A Manual of Rules and Regulations applicable to Members of the Covenanted Civil Service of India has been compiled by permission of the Government of India and may now be procured either from Messrs. A. Constable & Co., 2, Whitehall Gardens, S.W., or from Mr. E. A. Arnold, 37, Bedford Street, Covent Garden. Price 2*s*. 6*d*.

The Commissioners have been requested by the Secretary of State for India to draw the attention of Selected Candidates to the prefatory note attached to this manual, as it is considered important that it should be clearly understood that this compilation is not to be regarded in any other light than that of a collection, made for facility of reference, of certain information and rules, that it is by no means exhaustive, and that it is liable to such modifications as may from time to time be sanctioned by competent authority.

Copies of this Application Form may be obtained on application to the Secretary to the Government of India in the Home Department.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1899.

FORM TO BE FILLED UP BY CANDIDATES FOR EXAMINATION.

*** *The order for admission to the Examination will not be issued unless this Form, filled up by the Candidate himself, is received by the Secretary of the Civil Service Commission on or before the* **31st May 1899.**

Date——————————

SIR,

I beg to inform you that I wish to be a Candidate at the Examination for the Civil Service of India, which is appointed to commence in London on the 1st of August 1899.

I hereby declare that I was born on the day of 18 , and that therefore I had attained the age of 21 years and had not attained the age of 23 years on the 1st of January 1899; I also declare that I have no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India; and that I am of good moral character, and otherwise eligible under the Regulations.

This should be given on the form* attached.

I send herewith a statement of the subjects in which I desire to be examined.

Candidates who are not Natives of India should strike out this paragraph.

I also send herewith a Certificate of my Birth issued under Notification of the Government of India, No. 2252, dated 21st August, 1888, as amended by Notification No. 404, dated 19th May 1898.

Candidates not born within the British Dominions should state this fact in a separate letter.

I have also to state, with reference to Section 2, Clause (i) of the Regulations, that I am a natural-born subject of Her Majesty.

* If you have never been examined, insert here the word "never."

† If you have been examined, give the date, &c., of the *last* occasion.

I beg further to add that I have*———— been examined under the directions of the Civil Service Commissioners in the year 18————,† as a Candidate for the situation of——————.

I am, SIR,

Your obedient Servant,

Name full——————————

‡ If a London address, state postal district; if a country state the post town.

Address to which it is desired that the Order for Examination should be sent.‡——————————

——————————

Date——————————

To the Secretary.
Civil Service Commission.

No Certificates of age, health, and character, except as mentioned above, should be supplied until the result of the Examination is known.

☞ *If Candidates who fill up and return this Application Form do not receive an aknowledgement of it within four complete days, they should write to the Secretary, Civil Service Commission, London, S.W.*

N.B.—Attention is drawn to the annexed Form, which must be filled up by every Candidate.

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I. Every Candidate born in the United Kingdom should be prepared to produce, when required, a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained from the Registrar-General in London, Dublin or Edinburgh, or from the Superintendent Registrar of the District in which the birth book place.

II. A Candidate born of European parents in India should be prepared to produce, when required, a Certificate of Baptism from the district in which he was baptised. If this does not also mention the date of birth, it should be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth. When such certificates are not in the possession of the candidates an Extract from the Registers kept at the India Office will probably be obtainable.

III. A Candidate who is a Native of India must, *before he can be admitted to the Competition*, have his age and nationality certified by the Government of India, or of the Presidency or Province in which he may have resided.

(No Certificates except those issued under Notification of the Government of India, No. 2252, dated 21st August 1888, will be accepted for this competition.)

Except as noted in paragraphs II and III, every Candidate who proves to be successful is expected to produce a Certificate of *Birth*. The Civil Service Commissioners will not in ordinary cases accept a Certificate of Baptism, or other testimony, unless they are first satisfied that a Certificate of Birth cannot be procured.

Official Certificates of Birth may generally be obtained as follows:—

(*a*) *For persons born in England or Wales since 30th June 1837.*—From the Registrar-General, Somerset House, London, or from the Superintendent Registrar of the district in which the birth took place.

(*b*) *For persons born in Scotland since 31st December 1854.*—From the General Register Office, Edinburgh; or from the Registrar of the parish or district in which the birth took place.

(*c*) *For persons born in Ireland since 31st December 1863.*—From the General Register Office, Dublin; or from the Superintendent Registrar of the district in which the birth took place.

(*d*) *For persons of English, Scotish, or Irish parentage born on board British ships since the dates mentioned in (a), (b) and (c) respectively.*—From the General Register Office, London, Edinburgh, or Dublin, according to parentage.

(*e*) *For persons born in India of European parents.*—From the India Office, London.

Any Candidate who cannot produce a Certificate of Birth from one of the authorities named should, if possible, procure a Certificate of Baptism, and should then apply to the Secretary, Civil Service Commission, for further instructions.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1899.

SELECTION OF SUBJECTS TO BE FILLED UP AND RETURNED WITH THE FORM OF APPLICATION.

*** *Place your Initials against the Subjects which you select, and sign your name in the place indicated on the next page.*

INITIALS.	
....	English Composition.
....	Sanskrit Language and Literature.
....	Arabic Language and Literature.
....	Greek Language and Literature.
....	Latin Language and Literature.
....	English Language and Literature.
....	† French Language and Literature.
....	† German Language and Literature.
....	Mathematics (pure and applied).
....	Advance Mathematical Subjects (pure and applied).
	Natural Science, *viz.* :—
....	‡ Elementary Chemistry and Elementary Physics. (*N.B.*—This subject may not be taken up by those who offer either Higher Chemistry or Higher Physics.)
....	‡ Higher Chemistry.
....	‡ Higher Physics.
....	‡ Geology.
....	‡ Botany.
....	‡ Zoology.
....	‡ Animal Physiology.
....	Greek History.

[over.

....	Roman History.
....	English History.
....	General Modern History. Period ________
....	Logic and Mental Philosophy.
....	Moral Philosophy.
....	Political Economy and Economic History.
....	Political Science.
....	Roman Law.
....	English Law.

In addition to the Written Examination there will be an Oral Examination in each of the subjects marked thus †, and a Practical Examination in each of the subjects marked thus ‡.

The Oral Examinations in Modern Languages being intended as colloquial *tests, no marks will be given at them to Candidates who are not able to converse.*

Any Candidate who wishes to decline *the Oral Examination or the Practical Examination in any of the subjects selected by him, should state this in the blank space below—*

Signature ____________________

Date ____________________

To the Secretary,

*Civil Service **Commission**,*

***London**, S.W.*

Copies of this Syllabus may be obtained on application to the Secretary to the Government of India in the Home Department.

CIVIL SERVICE OF INDIA;

CLERKSHIPS (CLASS I) IN THE HOME CIVIL SERVICE; AND EASTERN CADETSHIPS.

SYLLABUS showing the extent of the Examination in certain subjects.

English Composition.—An Essay to be written on one of several subjects specified by the Civil Service Commissioners on their Examination Paper.

English Language and Literature.—The Examination will be in two parts. In the one the Candidates will be expected to show a general acquaintance with the course of English Literature, as represented (mainly) by the following writers in verse and prose, between the reign of Edward III and the accession of Queen Victoria:

Verse—Chaucer, Langland, Spenser, Shakespeare, Milton, Dryden, Pope, Gray, Collins, Johnson, Goldsmith, Crabbe, Cowper, Campbell, Wordsworth, Scott, Byron, Coleridge, Shelley, Keats.

Prose—Bacon, Sir Thomas Browne, Milton, Cowley, Bunyan, Dryden, Swift, Defoe, Addison, Johnson, Burke, Scott, Macaulay (Essays and Biographies).

A minute knowledge of the works of these authors will not be looked for in this part of the Examination, which will, however, test how far the Candidates have studied the chief productions of the greatest English writers *in themselves*, and are acquainted with the leading characteristics of their thought and style, and with the place which each of them occupies in the history of English Literature. Candidates will also be expected to show that they have studied in these authors the history of English Language in respect of its vocabulary, syntax, and prosody.

The other part of the Examination will relate to one of the periods named below, which will follow each other year by year in the order indicated:

1. (1899)	A.D. 1800 to A.D. 1832 [Nineteenth Century writers to the death of Scott.]
2. (1900)	A.D. 1360 to A.D. 1600 [Chaucer to Spenser.]
3. (1901)	A.D. 1600 to A.D. 1700 [Shakespeare to Dryden.]
4. (1902)	A.D. 1700 to A.D. 1800 [Pope to Cowper.]

The Examination in this part will require from Candidates a more minute acquaintance with the history of the English Language and Literature, as illustrated in the chief works produced in each period, and will be based to a considerable extent, but by no means exclusively, on certain books specified each year by the Commissioners.* The names placed under the dates are intended to suggest the general character of the literary development of the period, and, consequently, the natural limits of the Examination. All the works of Shakespeare, for example, will be regarded as falling within the period 1600 to 1700; all the works of Swift within the period 1700 to 1800; all the works of Scott and Wordsworth, and all the works of Macaulay within the period 1800 to 1832.

French Language and Literature.—Translation from French into English, and from English into French. Critical questions on the French Language and Literature.

*The books for 1899 are—

Moore: Lala Rookh.
Shelley: Prometheus unbound.
Byron: Manfred, Corsair, English Bards and Scotch Reviewers.
Scott: Marmion, Lady of the Lake.
Sydney Smith: Works.
Landor: Imaginary Conversations.
Coleridge: Table Talk, Aids to Reflection.
Austen: Emma, Pride and Prejudice.

German Language and Literature.—Translation from German into English, and from English into German. Critical questions on the German Language and Literature.

Latin Language and Literature.—Translation from Latin into English, Composition in Prose and Verse, or (as an alternative for Verse-Composition) a Latin Essay or Letter. Critical questions on the Latin Language (including questions on Philology) and Literature.

Greek Language and Literature.—Translation from Greek into English, Composition in Prose and Verse, or (as an alternative for Verse Composition) a Greek Dialogue or Oration. Critical questions on the Greek Language (including questions on Philology) and Literature.

Sanskrit Language and Literature.—Translation from Sanskrit into English, and from English into Sanskrit. History of Sanskrit Literature (including knowledge of such Indian History as bears upon the subject); Sanskrit Grammar; Vedic Philology.

Arabic Language and Literature.—Translations as in Sanskrit; History of Arabic Literature (including knowledge of such Arabic History as bears upon the subject); Arabic Grammar; Arabic Prosody.

English History.—General questions on English History from A.D. 800 to A.D. 1848; questions on the Constitutional History of England from A.D. 800 to A D. 1848.

General Modern History.—Candidates may, at their choice, be examined in any one of the following periods :

1. From the accession of Charlemagne to the Third Crusade. [A.D. 800 to A.D. 1193.]
2. From the Third Crusade to the Diet of Worms. [A.D. 1193 to A.D. 1521.]
3. From the Diet of Worms to the death of Louis XIV. [A.D. 1521 to A.D. 1715.]
4. From the accession of Louis XV to the French Revolution of 1848. [A.D. 1715 to A.D. 1848.]

Periods 3 and 4 will include Indian History.

Greek History.—Questions on the General History of Greece to the death of Alexander; questions on the Constitutional History of Greece during the same period.

Roman History.—Questions on the General History of Rome to the death of Vespasian; questions on the Constitutional History of Rome during the same period.

In Greek and Roman History candidates will be expected to show a knowledge of the original authorities.

Mathematics.—Pure Mathematics :—Algebra, Geometry (Euclid and Geometrical Conic Sections), Plane Trigonometry, Plane Analytical Geometry (less advanced portions), Differential Calculus (Elementary), Integral Calculus (Elementary).

Applied Mathematics :—Statics, Dynamics of a Particle, Hydrostatics, Geometrical Optics; all treated without the aid of the Differential or Integral Calculus.

Advanced Mathematics.—Pure Mathematics :—Higher Algebra, including Theory of Equations, Plane and Spherical Trigonometry, Differential Calculus, Integral Calculus, Differential Equations, Analytical Geometry, Plane and Solid.

Applied Mathematics :—Statics including Attractions, Dynamics of a Particle, Rigid Dynamics, Hydrodynamics, the Mathematical Theory of Electricity and Magnetism.

Political Economy and Economic History.—Candidates will be expected to possess a knowledge of economic theory as treated in the larger text books, also a knowledge of the existing economic conditions, and of statistical methods as applied to economic inquiries, together with a general knowledge of the history of industry, land tenure and economic legislation in the United Kingdom.

Logic and Mental Philosophy (Ancient and Modern).—Logic will include both Deductive and Inductive Logic. Mental Philosophy will include Psychology and Metaphysics.

Political Science.—The Examination will not be confined to Analytical Jurisprudence, Early Institutions, and Theory of Legislation, but may embrace Comparative Politics, the History of Political Theories, &c.

Candidates will be expected to show a knowledge of original authorities.

CIVIL SERVICE COMMISSION,
August, 1898.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 23rd September, 1898.

LONDON GAZETTE.

No. 1046.—The following extracts are published for general information:

"London Gazette," dated the 26th August 1898,

pages 5142 *and* 5144.

INDIA OFFICE;
26th August, 1898.

VICTORIA, R.I.

WHEREAS We have deemed it expedient to alter the Ranks of the Officers of Our Indian Medical Service.

Our Will and Pleasure is that the following alterations shall be made:

Present Ranks.	*New Ranks.*
Surgeon-Colonel	... Colonel.
Brigade-Surgeon-Lieutenant-Colonel Surgeon-Lieutenant-Colonel	... Lieutenant-Colonel.
Surgeon-Major	... Major.
Surgeon-Captain	... Captain.
Surgeon-Lieutenant	... Lieutenant.

Officers above the rank of Surgeon-Colonel shall in future be styled Surgeon-Generals (ranking as Major-Generals), and the title of Surgeon-Major-Generals now serving shall be altered accordingly.

It is further Our Will and Pleasure that the following alterations shall be made in the honorary ranks of the Senior Assistant-Surgeons of the Subordinate Medical Department in India:

Present Honorary Ranks.	*New Honorary Ranks.*
Surgeon-Major	... Major.
Surgeon-Captain	... Captain.
Surgeon-Lieutenant	... Lieutenant.

Given at Our Court at *Osborne*, this tenth day of *August*, one thousand eight hundred and ninety-eight, in the sixty-second year of Our reign.

By Her Majesty's Command,

GEORGE HAMILTON.

* * * * * *

E. G. BARROW, *Lieut.-Colonel*,

for *Secretary to the Government of India.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 6, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 1, 1898.

MILITARY DEPARTMENT.

Simla, the 30th September 1898.

PROMOTIONS.

No. 1067.—The following promotions are made, subject to Her Majesty's approval:—

INDIAN STAFF CORPS.

Lieutenants to be Captains.

Dated 28th September 1898.

* * * * * * *

Francis Washington Lethbridge.

* * * * * * *

INDIAN MEDICAL SERVICE.

Majors to be Lieutenant-Colonels.

Dated 30th September 1898.

BENGAL ESTABLISHMENT.

* * * * * * *

Charles James Bamber.

Malachi O'Dwyer, M.B.

* * * * * * *

Captains to be Majors.

Dated 30th September 1898.

BENGAL ESTABLISHMENT.

Robert Joseph Macnamara, M.D.

* * * * * * *

Herbert Mackinlay Morris.

* * * * * * *

SPECIAL.

No. 1087.—With reference to Article 280, Army Regulations, India, Volume I, Part I, the undermentioned officer, having been absent from military duty for ten years, is transferred to the supernumerary list, with effect from the date specified :—

Major J. H. Christie, Cantonment Magistrate, Umballa,—24th September 1898.

E. G. BARROW, *Lieut.-Colonel,*
for *Secretary to the Government of India.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 13, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 8TH, 1898.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 6th October, 1898.

No. 2131-*M.*—HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will leave Simla at 2 P. M. on Monday, the 7th November, 1898, visit Nabha, Patiala, Chittagong, Rangoon, Mandalay, Myitkyina, Bhamo, Pagan, Prome and Moulmein, and arrive in Calcutta on or about Saturday, the 17th December, 1898.

His Excellency the Viceroy's arrival at all places named will be public, except at Calcutta, where the arrival will be private.

His Excellency's departure will in all cases be private except from Simla, which will be public.

By Command,

A. DURAND, *Colonel*,

Military Secretary to the Viceroy.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 6th October, 1898.

No. 1273-*G.*—The undermentioned officer has been selected as a probationer for the Political Department of the Government of India, and is temporarily attached to the Punjab Commission, as a supernumerary Assistant Commissioner, with effect from the date on which he assumes charge of his duties :

Lieutenant C. E. Luard, Indian Staff Corps.

The 7th October, 1898.

No. 2692-*I.-A.*—It is hereby notified that in the notification of the Government of India in the Foreign Department, No. 1808-F., dated the 14th August, 1894, relating to the exercise of criminal jurisdiction in the territory of Kurram, all references to the Code of Criminal Procedure of 1882 shall be construed as referring to the Code of Criminal Procedure, 1898 (Act V of 1898).

No. 2693-*I.-A.*—It is hereby notified that in the notification of the Government of India in the Foreign Department, No. 1231-F., dated the 11th May, 1893, relating to the exercise of criminal jurisdiction within the Gilgit District in the territories of His Highness the Maharaja of Jammu and Kashmir, all references to the Code of Criminal Procedure of 1882 shall be construed as referring to the Code of Criminal Procedure, 1898 (Act V of 1898).

No. 2694-*I.-A.*—Whereas the Governor-General in Council has power and jurisdiction within the tracts noted in the margin :

1. The tract situated between the countries of the Khetran, Marri, and Bugti tribes and the plains of the Dera Ghazi Khan District.

2. The tract bounded by the country of the Bozdars on the north and west, by the country of the Hill Lagharis on the south, and by the Dera Ghazi Khan District on the east.

In exercise of this jurisdiction and of the powers conferred by secions 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, and in modification of so much of the notification of the Government of India in the Foreign Department, No. 1771-F., dated the 15th November, 1889, as applied the Code of Criminal Procedure of 1882 to the said tracts, the Governor-General in Council is pleased to apply to the said tracts the provisions, so far as they may be applicable, of the Code of Criminal Procedure, 1898 (Act V of 1898) :

Provided that all references in the said notification to the Code of Criminal Procedure of 1882 shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), and that the latter Code, as now applied, shall be subject to the provisions of the said notification so construed.

No. 2695-*I-A.*—Whereas the Governor-General in Council has in certain cases jurisdiction within the territories of His Highness the Maharaja of Jammu and Kashmir:

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, and in modification of so much of the notification of the Government of India in the Foreign Department, No. 933-E , dated the 8th May, 1891, as applied the Code of Criminal Procedure of 1882 (Act X of 1882) to the said territories, the Governor-General in Council is pleased to apply to the said territories the provisions, so far as they may be applicable, of the Code of Criminal Procedure, 1898 (Act V of 1898) :

Provided that all references in the said notification to the Code of Criminal Procedure of 1882 shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), and that the latter Code, as now applied, shall be subject to the provisions of the said notification so construed.

W. J. CUNINGHAM,
Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 5th October, 1898.

No. 4376-*S.R.*—In exercise of the power conferred by section 22 of the Sea Customs Act, VIII of 1878, and in supersession of the value assigned to European sail twine in No. 42 of Schedule IV (Import Tariff) of the Indian Tariff Act, VIII of 1894, as amended by Acts XVI of 1894 and III of 1896, the Governor-General in Council is pleased to declare that the said article shall be assessed to duty *ad valorem.*

H. H. RISLEY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 7th October, 1898.

RETIREMENTS.

No. 1117.—The undermentioned officers have been permitted by the Secretary of State for India to retire from the service, with effect from the dates specified subject to Her Majesty's approval :

Lieutenant-Colonel Dudley Elphinstone Gouldsbury, Indian Staff Corps, Cantonment Magistrate, Ferozepore,—16th October, 1898.

* * * * * * * *

E. G. BARROW, *Lieutenant-Colonel*,

for *Secretary to the Government of India.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 20, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 15TH, 1898.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 12th October 1898.

No. 2179-*M.*—HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will leave Simla at 2 P. M. on Monday, the 7th November 1898, visit Nabha, Patiala, Chittagong, Rangoon, Mandalay, Myitkyina, Bhamo, Pagan, Prome and Moulmein, and arrive in Calcutta on Saturday, the 17th December 1898, at about 4 P. M.

His Excellency the Viceroy's arrival at all the places named will be public, except at Pagan, Prome and Calcutta, where the arrival will be private.

His Excellency's departure will in all cases be private, except from Simla, which will be public.

All covers intended to reach His Excellency the Viceroy and Governor-General during His Excellency's journey should be addressed "Governor-General's Camp" without the addition of any post-town.

The party accompanying His Excellency on tour is as follows:

Her Excellency the Countess of Elgin.

Lady Elizabeth Smith.

Sir William Cuningham, K. C. S. I., Foreign Secretary.

Captain W. S. Goodridge, R. N., Director, Royal Indian Marine—

Will join on 16th November at Rangoon.

H. Babington Smith, Esquire, C. S. I., Private Secretary.

Colonel A. G. A. Durand, C. B., C. I. E., Military Secretary.

Colonel B. Franklin, C. I. E., Indian Medical Service, Surgeon to the Viceroy.

Captain S. H. Pollen, A.-D.-C.

Captain F. L. Adam, A.-D.-C.

Captain R. G. T. Baker-Carr, A.-D.-C.—Will precede His Excellency the Viceroy and join at Rangoon.

F. W. Latimer, Esquire, Assistant Private Secretary to the Viceroy.

All communications connected with business of a mere routine nature should be sent, as usual, to the head-quarters of the several Departments.

By Command,

A. DURAND, COLONEL,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Plague.

Simla, the 14th October 1898.

No. 4133.—The Governor-General in Council is pleased, in exercise of the powers conferred by Section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), to cancel the order contained in Home Department Notification No. 1232, dated the 14th May 1898, prohibiting the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste paper from Calcutta into any part of British India.

A. H. L. FRASER,

Offg. Secretary to the Government of Indai.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 27, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 1ST, 1898.

MILITARY DEPARTMENT.

Simla, the 30th September, 1898.

PROMOTIONS.

No. 1069.—The following promotions are made, subject to Her Majesty's approval:

* * * * * * *

INDIAN MEDICAL SERVICE.

Majors to be Lieutenant-Colonels.

Dated 30th September, 1898.

BENGAL ESTABLISHMENT.

* * * * * * *

John Anderson, M. B.

* * * * * * *

E. G. BARROW, *Lieutenant-Colonel,*

for *Secretary to the Government of India.*

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 22ND, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 19th October, 1898.

No. 2084.—The following draft of a rule which it is proposed to make in exercise of the power conferred by section 7 of the Indian Explosives Act, 1884 (IV of 1884), is published as required by section 18 of the said Act and in accordance with the directions contained in the Notification of the Government of India in the Home Department, No. 1964, dated the 2nd September, 1887, for the information of all persons likely to be affected thereby; and notice is hereby given that the draft will be taken into consideration on or after the 1st December 1898. Any objection or suggestion which may be received from any person in respect of the said draft before the date aforesaid will be considered by the Governor-General in Council.

Draft rule.

The Chief Inspector of Explosives with the Government of India may, in any part of British India,—

(*a*) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under the Indian Explosives Act, 1884 (IV of 1884), or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of that Act or of the rules thereunder;

(*b*) search for explosives therein;

(*c*) take samples of any explosives found therein on payment of the value thereof; and

(*d*) seize, detain, remove and, if necessary, destroy any explosive found therein in respect of which he has reason to believe that the provisions of the said Act or of the rules thereunder have been contravened:

Provided that—

(1) whenever he detains or removes any such explosive, he shall report the fact to the District Magistrate; and

(2) he shall not destroy any such explosive without the previous sanction of the District Magistrate.

ESTABLISHMENTS.

The 20th October, 1898.

No. 786.—The services of the undermentioned officers are placed at the disposal of the Government of the Punjab for employment in the Punjab Commission:

Lieutenant W. J. Keen, 37th Bengal Infantry.
Lieutenant J. B. Bowring, 2nd Punjab Infantry.
Lieutenant J. M. Bruce, 31st Bengal Infantry.

MEDICAL.

The 21st October, 1898.

No. 1469.—*Erratum.*—In Home Department Notification No. 1021, dated the 1st August, 1898, granting furlough to Colonel D. O'C. Raye, M. D., I. M. S. (Bengal), for the words "for eight months" substitute the words "up to the 1st April 1899".

A. H. L. FRASER,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 21st October, 1898.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, AND RESIGNATIONS.

No. 1166.—*1st Punjab Volunteer Rifles*—

Captain William Rinett Peake is granted the honorary rank of Major.

E. G. BARROW, *Lieutenant-Colonel,*
for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 18th October, 1898.

No. 460.—The undermentioned Assistant Engineers, 3rd Grade, appointed by Her Majesty's Secretary of State for India, from the Royal Indian Engineering College, Cooper's Hill, who have gone through a course of practical training in England, are posted as follows:

* * * * * * *

To Punjab.

Mr. Edwin Dundas Cockburn.

Mr. Gerald Wilkinson Mitchell.

* * * * * * *

The 20th October, 1898.

No. 464.—Mr. N. White, Assistant Examiner of Accounts, 1st Grade, Bengal, is transferred to the Engineer Establishment of the Public Works Department, and is graded as an Assistant Engineer, 3rd Grade. He is posted to the Punjab.

No. 467.—The Governor-General in Council is pleased to order the following promotions and reversions to and in the classes of Chief and Superintending Engineers with effect from the dates specified :

Names.	From	To	Nature of promotion.	With effect from
Preston, S.	Superintending Engineer, 1st Class, sub. *pro tem.*, and Chief Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 1st Class, and Chief Engineer, 3rd Class.	Permanent ... Temporary ...	10th July 1898. Ditto.
* *	* *	* *	* *	* *
Wallis, B. G. ...	Superintending Engineer, 2nd Class, sub. *pro tem.*	Superintending Engineer, 2nd Class.	Permanent ...	10th July 1898.
* *	* *	* *	* *	* *
Preston, S. ...	Chief Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 1st Class.	...	26th July 1898.
Field, G. M. R. ...	Superintending Engineer, 3rd Class, *temporary rank.*	Executive Engineer, 1st Grade.	...	26th July 1898.
* *	* *	* *	* *	* *
Jeffery, T. J. P. ...	Superintending Engineer, 2nd Class.	Superintending Engineer, 1st Class.	Sub. *pro tem.*	31st July 1898.
* *	* *	* *	* *	* *

No. 468.—Mr. G. M. R. Field, Executive Engineer, 1st Grade, Punjab, officiated as a Superintending Engineer from the 26th to the 29th July 1898, inclusive.

T. HIGHAM,
Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 3, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 29TH, 1898.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th October 1898.

No. 18.—Whereas by Resolution passed by the Secretary of State for India in Council on the sixth day of October, 1870, the provisions of the 33rd of Vict., Chap. 3, Sec. 1, were declared applicable to the districts of Hazára, Pesháwar, Kohát, Bannu, Dera Ismail Khan and Dera Gházi Khan;

And whereas the Lieutenant-Governor of the Punjab has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent on the 28th day of October, 1898;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India:*

REGULATION No. IV OF 1898.

THE PESHAWAR CANALS REGULATION, 1898.

CONTENTS.

CHAPTER I.

PRELIMINARY.

The Peshâwar Canals Regulation, 1898.

(Chapter I.—Preliminary.—Sections 1—3.)

A Regulation to provide for the control and management of Canals in the District of Peshâwar.

WHEREAS from time immemorial the Government for the time being has managed and controlled all canals in the district of Peshâwar and it is desirable to provide for the exercise and regulation of such management and control in manner hereinafter appearing; It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

Short title, commencement and extent.

1. (1) This Regulation may be called the Peshâwar Canals Regulation, 1898.

(2) It shall come into force on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

(3) It extends to the district of Peshâwar.

(4) The Local Government may, by notification in the local official Gazette, extend all or any of its provisions to the whole or any part of the districts of Hazára, Kohât, Bannu, Dera Ismail Khan and Dera Ghâzi Khan.

Operation of Act VIII, 1873.

2. (1) Except in so far as its provisions conflict with those of the Northern India Canal and Drainage Act, 1873, nothing in this Regulation shall affect the application of that Act. VIII of 1873.

(2) Where the provisions of this Regulation conflict with those of that Act, the provisions of this Regulation shall prevail.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) all words and phrases defined in the Northern India Canal and Drainage Act, 1873, shall have the meanings assigned to them respectively in that Act: VIII of 1873.

(2) "scheduled canal" means—

(*a*) the main channel of any one of the canals specified in the schedule

The Peshâwar Canals Regulation, 1898.

Chapter I.—Preliminary.—Section 4. *Chapter II.—Construc'ion of Private Canals.—Sections* 5—7. *Chapter III.—Management.—Section* 8.)

and such of the distributaries and branches thereof as are shown in the special irrigation map prepared at the revision of the Peshâwar Settlement of 1896;

(*b*) any one of such other canals, distributaries or branches as may hereafter be declared by the Local Government, by notification in the local official Gazette, to be a scheduled canal; and

(*c*) any work, embankment, reservoir, structure, supply or escape channel connected with any such canal, distributary or branch, but not any "mill" as defined in sub-section (4) of this section.

(3) "right-holder" means any person entitled to the use of the water of any scheduled canal for the purposes of irrigation or for working mills, or to any other beneficial interest in or over any scheduled canal; and

(4) "mill" means any contrivance whereby the water power of any canal is used or employed for grinding, sawing or pressing, or for driving or working machinery, or for any other purpose, and includes all subsidiary works and structures connected with such contrivance except the canal itself.

Scheduled canal to be deemed to be controlled by Government.

4. A scheduled canal shall be deemed to be a canal controlled by Government within the meaning of Section 3, sub-section (1), clause (*a*), of the Northern India Canal and Drainage Act, 1873.

II of 1873.

CHAPTER II.

CONSTRUCTION OF PRIVATE CANALS.

Permission for construction of canal.

5. (1) The Local Government may, on such terms as it thinks fit, grant permission to any person to construct a canal.

(2) Any person desirous of obtaining such permission shall apply for it in writing through the Collector.

Prohibition from continuing construction of unauthorized canal

6. (1) If any person, without the permission referred to in Section 5, commences the construction of a canal, the Collector may prohibit such person by written order, and all other persons by proclamation, from continuing the construction of such canal.

(2) No compensation shall be claimable from the Government in respect of any order or proclamation issued under sub-section (1).

Closure of unauthorised canal.

7. (1) If any person has constructed a canal without the permission referred to in Section 5, the Collector may, if the Local Government so directs, close it and shut off the supply of water, and prohibit such persons by written order, and all other persons by proclamation, from constructing or renewing the work or continuing the use of the water without the previous permission of the Local Government:

Provided that no such order or proclamation shall be issued if the canal has been used for irrigation without interruption for three years.

(2) No compensation shall be claimable from the Government in respect of any order or proclamation issued under sub-section (1).

CHAPTER III.

MANAGEMENT.

Scheduled canals.

Supply of labour.

8. (1) The Local Government may, by notification in the local official Gazette, direct that the right-holders of any scheduled canal shall be bound to furnish unpaid labour for the purpose of effecting the annual silt-clearance of such canal, or of maintaining such canal in a state of efficiency, or of executing any work necessary thereto, in either of the following cases namely:—

(*a*) whenever such right-holders are bound, by a condition entered in the record-of-rights of such canal or of the estates supplied with water therefrom, or by established custom to furnish such labor, or

(*b*) whenever the right-holders who are responsible for the payment of more than half the land revenue assessed on the land irrigated from such canal, agree to undertake to supply such labour.

(2) On the issue of a notification under sub-section (1), the Collector may, by general or special order,—

(*a*) determine the number of labourers to be provided or the amount of work to be performed by each right-holder;

The Peshâwar Canals Regulation, 1898.

(*Chapter III.—Management—Sections* 9—15.)

(*b*) regulate the attendance, distribution and control of the labourers provided or the manner of the performance of the work;

(*c*) assess and recover, as if it were a fine, compensation from any person who fails to comply with an order passed by him under this section; and

(*d*) fund all compensation so recovered and expend it on the provision of hired labour for any of the scheduled canals to which the notification applies, or on any other purpose connected with the well-being thereof:

Provided that the compensation assessed as aforesaid shall not exceed one rupee for each day's labour of each of the labourers in respect of whom default has occurred.

Bridges on scheduled canals.

9. The Collector may order the right-holders, or such of them as he may, with due regard to the circumstances of the case, determine, to construct or repair suitable bridges across any scheduled canal for the purpose of providing communication with any thoroughfare which was in use before the scheduled canal was made.

Works for passing water of scheduled canal across roads, &c.

10. The Collector may order the right-holders or such of them as aforesaid to construct or repair suitable works for the passage of the water of any scheduled canal across any public road, canal or drainage-channel in use before the scheduled canal was made.

Procedure on disobedience to order under Section or 9 10.

11. (1) Every order under either of the two last foregoing sections shall specify a reasonable period within which such construction or repairs shall be completed.

(2) If any such order is not obeyed to the satisfaction of the Collector within the time specified, the Collector may himself do what is necessary and recover the cost of the work from the right-holders concerned in such proportions as he may think fit to determine as if it were an arrear of land revenue due from them.

Carrying out of works on scheduled canal by Collector in emergent cases.

12. (1) In case of sudden and serious damage or urgent risk of serious damage to a scheduled canal or to irrigation therefrom, the Collector may carry out such works as he may think necessary in order to remedy or prevent such damage or apprehended damage.

(2) The cost of the works carried out under sub-section (1) may be recovered as if it were an arrear of land revenue due from the right-holders or from such of them as ought, in the opinion of the Collector, to defray it.

Settlement of disputes between right-holders.

13. (1) When a difference arises between two or more right-holders in regard to their mutual rights or liabilities in respect of the use of the water of any scheduled canal, or in respect of the use, construction or maintenance of a water-course supplied with water therefrom, any such right-holder may apply in writing to the Collector stating the matter in dispute.

(2) The Collector shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to inquire into the said matter and shall, after such inquiry, pass orders thereon.

(3) The order of the Collector passed under sub-section (2) shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made, and shall thereafter remain in force until set saide by the decree of a Civil Court.

(4) For the purposes of any inquiry under this section, the Collector shall have power to summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of the Civil Court by the Code of Civil Proceedure; and every such inquiry shall be deemed a judicial proceding within the meaning of the Indian Penal Code. XIV of 188 XLV of 186

General powers of Collector in respect of scheduled canal.

14 (1) Notwithstanding the existence of any rights in or over a scheduled canal, the Collector may exercise all powers of control, management and direction which may be necessary for the efficient maintenance and working of such canal or the due distribution of the water:

Provided that no right to which any person is entitled in or over any scheduled canal shall be substantially diminished otherwise than as provided in Section 23.

(2) If any question arises as to whether or not any right is, or is likely to be, substantially diminished by the action of the Collector under this section, it shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

Acquisition of land required for scheduled canal.

15. (1) Land required for the purposes of a scheduled canal shall be deemed to be land required for a public purpose within the meaning of the Land Acquisition Act, 1894. I of 1894

The Peshâwar Canals Regulation, 1898.

(Chapter III.—Management—Sections 16—18. *Chapter IV.—Records of Scheduled Canals.—Section* 19). (*Chapter V.—Miscellaneous.—Sections* 20-21.)

(2) The compensation awarded for land acquired for the purposes of a scheduled canal under the said Act shall be apportioned among the right-holders, or such of them as are, in the opinion of the Collector, benefited, or likely to be benefited, by the acquisition, and the sum so apportioned to each of them shall be recoverable from him as if it were an arrear of land revenue.

All Canals.

Power to regulate mills.

16. The Local Government may, by general or special order, prohibit or regulate the construction of new, and regulate the use of existing, mills upon canals, and the appropriation of the water of canals for working mills.

Construction of outlets from canals.

17. (1) When a water-course is about to be or is supplied with water from a canal, the Canal Officer may construct or repair or improve a sluice or outlet to regulate the supply of water from the canal to the water-course.

(2) In every such case the right-holders in the water-course may be charged with the cost of constructing or repairing or improving such sluice or outlet, and the Collector may recover such cost from them, as if it were an arrear of land-revenue, in such proportions as he may determine.

Power to take immediate possession in cases of urgency.

18. (1) In cases of urgency, if any new work is immediately required to prevent serious detriment to the utility of any canal, the Collector may, notwithstanding anything in the Land Acquisition Act, 1894, take immediate possession of any land required for the construction of the work. I of 1894.

(2) In every such case the Collector shall tender compensation and otherwise proceed as laid down in Section 15 of the Northern India Canal and Drainage Act, 1873. VIII of 1873.

CHAPTER IV.

RECORDS OF SCHEDULED CANALS.

Power to prepare record for scheduled canal.

19. (1) The Collector shall, whenever the Local Government may so direct, prepare or revise for any scheduled canal a record showing all or any of the following matters, namely:

(*a*) the custom or rule of irrigation;

(*b*) the rights to water and the conditions on which such rights are enjoyed; and

(*c*) the rights as to the erection, repair, reconstruction and working of mills, and the conditions on which such rights are enjoyed.

(2) Entries in the record so prepared or revised shall be relevant as evidence in any dispute as to the matters recorded, and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

(3) When a record showing all or any of the matters enumerated in sub-section (1) has been framed at any settlement of the land-revenue already sanctioned by the Government and has been attested by a Revenue Officer, such record shall be deemed to have been made under this section.

(4) Every right-holder shall be bound to furnish to the Collector, or to any person acting under the direction of the Collector, all information necessary for the correct preparation of a record under this section.

(5) The provisions of Chapter IV of the Punjab Land Revenue Act, 1887, shall, so far as may be, apply to the preparation and revision of any such record. XVII of 1887.

CHAPTER V.

MISCELLANEOUS.

Power to make rules.

20. (1) The Local Government may, by notification in the local official Gazette, make rules to carry out the purposes and objects of this Regulation.

(2) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the date of the first conviction during which the breach continues.

(3) All rules made under this section shall have effect as if enacted by this Regulation.

Penalties for disobedience of certain orders or proclamations.

21. Whoever disobeys any order or proclamation issued by the Collector under Section 6 or Section 7, or, without reasonable cause, fails to comply with such an order is sued under Section 8, sub-section (2), or disobeys any order issued by the Local Government under Section 16, shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to one month, or with both, and in the

The Peshâwar Canals Regulation, 1898.

(*Chapter V.—Miscellaneous.—Sections* 22—26. *The Schedule.—Scheduled Canals.*)

case of persistent disobedience, with a further fine which may extend to twenty rupees for each day after the date of the first conviction during which the disobedience is persited in.

Notice to be given to Collector in certain suits.

22. In any suit in which an order passed under Section 13 or an entry made in a record prepared under Section 19 is directly or indirectly called in question, the Court shall give notice to the Collector before the final settlement of the issues, and, if moved to do so by the Collector, shall make the Secretary of State in Council a party to the suit.

Power of Government to suspend or extinguish rights to canal water of scheduled canal on payment of compensation.

23. (1) The Local Government may at any time suspend or extinguish any right to which any person is entitled in or over any scheduled canal or over any mill.

(2) In every such case the Government shall pay to the person whose right is suspended or extinguish compensation to be assessed, as nearly as may be, as if the right in question were land taken up for public purposes under the provisions of the Land Acquisition Act, 1894. I of 1894.

Unauthorized use of water of any canal.

24. Where a special water-rate is fixed for the unauthorized use of the water of any canal, the Local Government, subject to such conditions (if any) as it may prescribe, may charge such special rate—

(1) for all water obtained through a breach in the banks intentionally made in an unauthorized way, and

(2) for all water obtained from or through a water-course, if and so long as the supply therein has been and is intentionally increased in an unauthorized way.

Protection to persons acting under Act.

25. No suit, prosecution or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done, under this regulation or the rules thereunder.

General powers of Local Governments and Commissioners.

26. In all matters connected with this Regulation, the Local Government shall have and exercise over the Commissioner and the Collector, and the Commissioner shall have and exercise over the Collector, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

THE SCHEDULE.

(*See Section* 3, *sub-section* (2), *clause* (*a*).)

SCHEDULED CANALS.

In the Peshâwar and Nowshera Tahsils.

The Bara Canals, including the Band Miaaa Channels.
The Jui Shekh.
The Jui Zardadi.

In the Peshawar Tahsil.

The Jui Mamun.
The Jui Emanzai.
The Jui Bazid Khel.
The Jui Mandakzai.
The Beriwala.
The Jui Palosa.
The Jui Zormandi.
The Jui Zardadi.
The Jui Babal.
The Jui Sarkhana.
The Jui Nilawi.
The Jui Jabbari.
The Jui Marwari.
The Jui Sangher-Jabbi.

In the Charsadda Tahsil.

The Jui Katiala.
The Jui Babu Khan.
The Jui Matghalara.
The Loewala.
The Jui Ishara.
The Katiala Nau.
The Jui Sakarpura.
The Jui Bandala.
The Jui Ayyas.
The Jui Ichrey.
The Jui Karm Bela.
The Jui Umri.
The Jui Samkanna.
The Jui Landi.
The Jui Irab.
The Yargbajo.
The Jui Barkazo.
The Jui Kandarars.
The Jui Tandi.

J. M. MACPHERSON,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Simla, the 28th October 1898.

No. 457.—With reference to Rules 5 and 10 of the Rules published with Home Department Resolution No. 2-Ex.—188—199, dated 5th June 1894, and to Rules 2 and 6 published with the Resolution of the Government of Bengal, No. 364-T.F., dated 10th October 1894, it is hereby notified that the examination prescribed for filling up vacancies

in the Lower Division of the Secretariat Clerical Service of the Government of India and attached offices and in the Clerical Establishments of the offices subordinate to the Government of Bengal, will be held at Calcutta in the Senate House of the Calcutta University, and at Allahabad and Lahore at the places to be appointed by the Governments of the North-Western Provinces and Oudh, and the Punjab, respectively, in January 1899. The exact dates will be notified hereafter. The hours of examination will be from 10 A.M. to 1 P.M., and from 1-30 P.M. to 4-30 P.M., daily.

The probable number of vacancies in the Lower Division of the Secretariat Clerical Service of the Government of India and attached offices to be competed for is fourteen. Of these, seven will be reserved for candidates domiciled in the North-Western Provinces and Oudh, the Punjab, the Central Provinces, Rajpútána, Central India, and Balúchistán, provided that a sufficient number of such candidates, duly qualified, appear for the examination to be held at Allahabad and Lahore. The remaining seven vaeancies will be offered for competition among the candidates examined at Calcutta, and such candidates, temporarily resident but nor domiciled in any of the Provinces enumerated above as may be permitted to present themselves for examination at Allahabad and Lahore.

The probable number of vaccancies in the offices subordinate to the Government of Bengal is fourteen. These will be reserved or candidates examined at Calcutta.

Candidates should pay the prescribed fee (Rs. 10) into the nearest Treasury and forward the Treasury receipt to the Secretary to the Board of Examiners, Calcutta. Candidates paying their fees in Calcutta should pay them into the Bank of Bengal.

Application for permission to appear at the examination should be made to the Secretary to the Board of Examiners, Calcutta, between the date of this Notification and the 15th December next (inclusive).

The attention of intending candidates is called to Rule 9 of the Rules* published with the Home Department Resolution of the 5th June 1894, and to Rule 5 of the Rules published with the Resolution of the Government of Bengal of the 10th October 1894 as amended by Notification No. 877-T-F., dated 17th October 1896, prescribing the particulars and documents† which should accompany the application for permission to appear at the examination.

**Particulars and documents prescribed in Rule 9 of the Rules published with the Home Department Resolution of 5th June 1894.*

(1) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(2) In case the candidate has been educated at a school in which students' good conduct registers are kept, the candidate's register for the last year of his attendance at school when a year has not elapsed since he left school. In other cases a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable householder to whom he is well known in private life, and who is himself known to a District or Sub-Divisional Magistrate or to the head of some Government office—this last fact being certified by the countersignature of the officer in question.

†Particulars and documents prescribed in Rule 5 of the Rules published with the Resolution of the Bengal Government of the 10th October 1894, as amended by Notification No 877 T. F, dated 17th October 1896.

(1) The candidate's certificate of the Entrance or any higher University Examination, or of Standard VII prescribed by the Code for European Schools.

(2) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(3) In case the candidate has been educated at a school in which students' good conduct registers are kept, and in case a year has not elapsed since he left school, a copy of the candidate's register for the last year of his attendance at school certified by the Head Master. In other case a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable householder to whom he is well known in private life, and who is himself known to a District or Sub-Divisional Magistrate or to the head of some Government Office - this last fact being certified by the countersignature of the officer in question.

MEDICAL.

The 27th October 1898.

No. 1512.—The services of Captain E. Wilkinson, F.R.C.S. I.M.S., (Bengal), are replaced at the disposal of the Government of the Punjab, with effect from the 15th March 1898.

JUDICIAL.

The 24th October 1898.

No. 1227.—The services of Lieutenant W. F. C. Tayler, 1st Punjab Cavalry, are placed temporarily at the disposal of the Government of the Punjab for employment as Officiating Assistant Cantonment Magistrate at Ráwalpindi.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 25th October 1898.

No. 3614-*F.*—The services of Mr. R. Donald, Extra Assistant Commissioner, Punjab, on special duty in the Tochi Valley, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 24th September 1898.

The 27th October 1898.

No. 1375-*G.*—Lieutenant S. B. A. Patterson, Indian Staff Corps, a probationer for the Political Department, is appointed temporarily to be a Political Assistant of the 3rd Class and is posted as Assistant Political Agent for Dír and Swát, with effect from the date of assuming charge.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 28th October 1898.

RETIREMENTS.

No. 1183.—Major Malachi O'Dwyer, M.B., Indian Medical Service, Bengal, Civil Surgeon, Jullundur, has been permitted by the Secretary of State for India to retire from the service, with effect from the 30th November 1898, subject to Her Majesty's approval.

E. G. BARROW, *Lieut.-Colonel,*

for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th October 1898.

No. 474.—With reference to Public Works Department Notification No. 381, dated the 20th September 1897, the services of Brevet-Colonel J. W. Thurburn, R.E., Executive Engineer, 1st Grade, Punjab, are on return from field service replaced at the disposal of that Government, with effect from the afternoon of the 6th June 1898.

Public Works Department Notifications Nos. 287 of 29th June 1898 and 340 of 26th July 1898 are cancelled.

The 27th October 1898.

No. 478.—The undermentioned passed students of the Royal Indian Engineering College, Cooper's Hill, who have been appointed, by Her Majesty's Secretary of State for India, as Assistant Engineers, 3rd Grade, are posted as follows:—

* * * * * *

To Punjab.

Mr. Arthur Campbell Padday.

Mr. Eric Emeric de St. Dalmas.

* * * * * *

No. 482.—With reference to Public Works Department Notification No. 478, dated 27th October 1898, Messrs. F. St. C. Farran and C. Gulland, Assistant Engineers, 3rd Grade, Bombay, are temporarily posted to the Punjab, for the first year of their service, under Public Works Department Resolution No. 2352 G., dated the 1st September 1897.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 10, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 5TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 4th November 1898.

No. 2177.—In exercise of the power conferred by section 5 of the Indian Explosives Act, 1884, (IV of 1884), the Governor-General in Council is pleased to direct that the following rule be substituted for rule 27, of the rules to regulate the transport and importation of explosives published with the Notification of the Government of India in the Home Department, No. 1393, dated the 8th July 1897 :—

"27. Any persons lawfully entitled under the Indian Arms Act, 1878, (XI of 1878), or the rules thereunder, to possess any explosive coming under the head of ammunition, as defined in that Act, may possess or import without license under these rules any such explosive in such quantities as may be prescribed by that Act or the rules thereunder, or, when no quantities are prescribed, in reasonable quantities for his own private use : but when an explosive is so imported, the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or by virtue of his office may at any time detain such explosive until he receives the orders of the Local Government thereon."

ECCLESIASTICAL.

The 4th November 1898.

No. 499.—The Reverend Charles Stewart has been appointed to be a Chaplain on probation on the Bengal (Lahore) Ecclesiastical Establishment to fill an existing vacancy.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

ASSESED TAXES.

Income Tax.

Simla, the 3rd November 1898.

No. 4812-*S. R.*—In exercise of the power conferred by section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under that Act the salary of any officer, warrant officer, non-commissioned officer or private of Her Majesty's forces or of Her Majesty's Indian forces, who has been, or may be, deputed from employment in which his salary was exempted under Section 5 (1) (*i*) of the said Act to plague or famine duty under the Civil Department and whose salary does not exceed five hundred rupees per mensem.

SEPARATE REVENUE.

POST OFFICE.

The 4th November 1898.

No. 4832-*S. R.*—In exercise of the power conferred by section 10 (1) of the Indian Post Office Act, 1898, the Governor-General in Council is pleased to declare that, with effect from the 25th December 1898, the following rates of postage shall be charged in respect of letters sent from British India to the United Kingdom or any of the British Possessions specified in the list below:—

For a letter the weight of which does not exceed half an ounce (*avoirdupois*)—one anna.

For every additional half ounce or fraction of that weight—one anna.

List of British Possessions referred to above.

Canada.
Gibraltar.
Cyprus.
British East Africa.
Uganda.
Zanzibar.
British Central Africa.
Niger Coast Protectorate.
Niger Company's Territory.
The Gambia.
Sierra Leone.
Gold Coast Colony.
Lagos.
St. Helena.
Seychelles.
Ceylon.
Straits Settlements.
Hong Kong.
Fiji.
The Falkland Islands.
Turks Islands.
Trinidad.
Tobago.
Grenada.
St. Lucia.
St. Vincent.
Antiqua.
St. Christopher.
Nevis.
Dominica.
Montserrat.
The Virgin Islands.

H. H. RISLEY,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 2nd November 1898.

No. 490.—Mr. W. Slane, Officiating Examiner of Accounts, State Railway Stores, is transferred to the office of the Examiner of Public Works Accounts, Punjab.

T. HIGHAM,
Joint Secretary to the Government of India.

DIRECTOR-GENERAL INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 26th October 1898.

No. 37.—The services of first class Military Assistant Surgeon J. T. Wetson are replaced at the disposal of the Government of the Punjab.

R. HARVEY, *M. D., Surgeon-Major-General,*
Offg Director-General, Indian Medical Service.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED NOVEMBER 5th, 1898.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

SCALE TO DETERMINE THE CROWN'S SHARE OF AN ESCHEAT.

NOS. 1252—65.

Extract from the Proceedings of the Government of India, Home Department (Judicial),— under date Simla, the 31st October 1898.

READ—

Letter to the Governments of Madras and Bombay, No. 290, dated the 30th April 1866, and enclosure.

Letter to Local Governments and Administrations, No. 17-Judicial / 1321—1129, dated the 27th August 1881, and enclosure.

Resolution No. 27-Judicial / 1654—1663, dated the 11th November 1882.

Despatch from the Secretary of State, No. 6-Financial (Funds), dated the 14th June 1883.

Letter from the Comptroller and Auditor-General, Calcutta, No. 1109-D., dated the 15th December 1897.

Despatch to the Secretary of State, No. 31 (Judicial), dated the 16th June 1898.

Despatch from the Secretary of State, No. 5-Financial (Funds), dated the 28th July 1898.

RESOLUTION.

In paragraph 11 of the summary of correspondence regarding the rules for dealing with estates that become escheat to the Crown by failure of lawful heirs, a copy of which

was forwarded to Local Governments and Administrations with Home Department Circular Nos. 17—1121 to 1129, dated the 27th August 1881, it was stated that—

"The general practice in the disposal of the effects of illegitimate persons dying intestate is to grant the residue thereof to those persons who, but for the illegitimacy, would have had a claim thereto according to the Statute of Distribution, after deducting the expenses incurred, and a proportion as the Crown's share, according to the following scale, *viz.* :—

When the residue amounts to less than £500			... ...	1/10
Ditto	ditto	£500 and under £1,000	...	1/8
Ditto	ditto	£1,000 and under £5,000	...	1/6
Ditto	ditto	£5,000 and under £10,000	...	1/5
Ditto	ditto	£10,000 and upwards	...	1/4"

This scale was adopted from the scale which then prevailed in England, and in working it the practice has been to take Rs. 10 as the equivalent of £1.

2. The scale in use in England has since been altered, and the Secretary of State has accordingly been pleased to direct that the following scale shall in future be used in India in determining the share of an escheated estate to be reserved to the Crown under the circumstances stated in paragraph 11 of the summary of correspondence :

When the residue amounts to less than Rs. 5,000, one-eighth.

When the residue is not less than Rs. 5,000, but is less than Rs. 10,000, one-sixth.

When the residue is not less than Rs. 10,000, but is less than Rs. 50,000, one-fifth.

When the residue is not less than Rs. 50,000, but is less than Rs. 1,00,000, one-fourth.

When the residue is Rs. 1,00,000 and upwards, one-third.

3. His Lordship has also directed that in the case of escheated estates which have to be distributed in England the Crown's share shall be deducted in India before the balance is remitted to England.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations and the Comptroller and Auditor-General, Calcutta, for information and guidance and to the Military and Finance and Commerce Departments for information, and that it be published in the Supplement to the *Gazette of India*.

Madras.	Burma.
Bombay.	Central Provinces.
Bengal.	Assam.
North Western Provinces and Oudh.	Coorg.
Punjab.	Hyderabad.

[True Extract.]

A. H. L. FRASER,

Offg. Secretary to the Government of India.

Government Gazette

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 12TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 10th November 1898.

No. 2264.—The following despatch from Her Majesty's Secretary of State for India is published for general information ;

INDIA OFFICE,

London, 6th October 1898.

Public.

No. 144.

To His Excellency the Right Honourable the Governor-General of India in Council.

MY LORD,

I have received your letter of the 14th July, with enclosures, relating to a speech delivered by Mr. Thorburn, Financial Commissioner of the Punjab, at Simla on the 28th of June.

Public criticism of Government policy by Government servants.

2. It appears that on that day a paper was read in connection with the United Service Institution on the subject of the Tirah campaign, and that, in the discussion which followed, Mr. Thorburn took the opportunity of making what is said to have conveyed the impression of being "an attack of a deliberate and somewhat violent character on the policy and proceedings of the Government."

3. It is not surprising that this action on the part of Mr. Thorburn should at once have attracted the serious notice of his official superiors, or that he should have found it necessary, within eight days of the delivery of the speech, to express his deep regret for

his conduct. This apology your Government thought well to accept, and your acceptance was communicated to him through the Government of the Punjab in a letter dated the 12th of July.

4. In these circumstances I have no intention of commenting on this particular incident, so far as it affects Mr. Thorburn individually. But I think it right, while fully recognising that every officer is entitled to form and to hold his own opinion on public matters, to record my entire agreement with Sir Mackworth Young's statement of the rules which must govern the conduct of Government servants in India. It should be distinctly understood that (to use his words) "a member of the Government service is not at liberty to make an attack upon what he knows or believes to be the policy or procedure deliberately approved by the Government," and that "it is no justification of such attack that he is actuated by conscientious motives or has a strong conviction of the correctness of his own judgment." I will add, further, that it is improper for any officer to convey to the public, whether in writing, or in a speech or otherwise, any opinion upon matters of Government policy which are, or are likely to become, the subject of public discussion. It is, of course, inevitable that cases must from time to time occur in which the decisions of Government do not commend themselves to the officers who may have to carry them out. On such occasion, the officers in question, after making proper representations to their official superiors, have only two courses open to them, namely, either to acquiesce loyally and silently in the decision of the responsible authorities, or to resign their positions in the Service.

5. I am glad to have had of late more than one opportunity of stating publicly my high appreciation of the loyalty and self-devotion of the Indian Civil Service. Those qualities have never been more conspicuous than during recent years of difficult and anxious labour. But a clear understanding that the rules to which I have referred are in existence, and will be strictly enforced, can only tend to increase the efficiency of that Service; and I request that Your Excellency will take such steps as may seem to you advisable to make my views generally known, and to ensure that improprieties, such as that which you have on this occasion thought fit to condone, shall not be repeated in future.

I have the honor to be,

MY LORD,

Your Lordship's most obedient humble Servant,

GEORGE HAMILTON.

EXAMINATIONS.

The 10th November 1898.

No. 484.—With reference to paragraph 1 of Home Department Notification No. 457, dated the 28th October 1898, it is hereby notified that the examination prescribed for filling vacancies in the Lower Division of the Secretariat Clerical Service of the Government of India and attached offices and in the clerical establishments of the offices subordinate to the Government of Bengal will be held at Calcutta in the Senate House of the Calcutta University commencing on Saturday, the 7th January 1899.

The examination at Allahabad and Lahore of candidates for appointments in the Secretariat offices of the Government of India and attached offices will be held at the same time at the places to be appointed by the Governments of the North-Western Provinces and Oudh and the Punjab respectively.

MEDICAL.

The 5th November 1898.

No. 1563.—The services of Colonel A. Stephen, M.B., I.M.S. (Bengal), are replaced at the disposal of the Military Department.

SANITARY.

The 10th November 1898.

No. 4341.—In the Notification of the Government of India in the Home Department, No. 2495, dated the 20th November 1897, it was ordered, under the powers conferred by Section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), that the pilgrimage to the Hedjaz during the season of 1898 might be permitted, except in the case of persons residing in the Bombay Presidency (excluding Sind), subject to certain precautions and restrictions which were imposed in view of the strong opinions of all European Governments, including Turkey, regarding the danger of plague being communicated to Europe, and in view of the danger of plague being spread by intending pilgrims from infected to non-infected portions of India.

Plague is unfortunately still widely prevalent in the Bombay Presidency and the disease has extended to the Madras Presidency and to the Mysore and Hyderabad States. Karachi as well as Bombay is an infected port. The alarm experienced by European Governments, including Turkey, regarding the danger of plague being imported to Europe is in no measure abated, and during the past season Indian pilgrims were subject to much vexatious restriction and consequent hardship, and a proposal that they should not be permitted to land in Arabia was at one time put forward. The Government of India do not think it necessary to prohibit the pilgrimage from the uninfected portions of India during the coming season, but they consider it essential that careful precautions should be observed similar to those which were enforced during the past season.

The Governor-General in Council is pleased to cancel the order contained in the Notification of the Government of India in the Home Department, No. 2495, dated the 20th November 1897.

The Governor-General in Council is further pleased to direct that, until further orders, no person resident permanently or temporarily in the Presidency of Bombay (excluding the whole of Sind except Karachi), the Presidency of Madras, the Mysore and Hyderabad States, and Coorg shall be permitted to embark from any port in India with the object of making a pilgrimage to Mecca.

The Governor-General in Council is further pleased to direct as follows:

(1) That no person shall be permitted to embark with the object of making a pilgrimage to Mecca, except at the port of Chittagong in the Lower Provinces of Bengal, and unless and until such person has been kept under observation in a place appointed for the purpose until such time as the Medical Officer in charge shall be satisfied that all risk of such person conveying the infection of plague has been completely abated, and unless such person is conveyed from the place of observation to the place of embarkation under the charge of an officer appointed for the purpose.

(2) That no passage tickets for the Hedjaz shall be sold, except at the places appointed for the detention of intending pilgrims under observation.

The Government of India think it necessary to repeat the warning given last year that, although they have decided that the pilgrimage to the Hedjaz may be permitted subject to the safeguards enumerated above, they are nevertheless convinced that intending pilgrims will be well advised in deferring their purpose until another season, in view specially of the stringent quarantine rules imposed by the Turkish Government and the inconvenience and harassment to which it is likely they will be subjected on arriving in Arabia.

JUDICIAL.

The 10th November 1898.

No. 1319.—The services of Major G. A. Welman, Officiating Cantonment Magistrate, Sialkot, are replaced at the disposal of His Excellency the Commander-in-Chief in India, with effect from the 26th October 1898.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SALARIES, ESTABLISHMENTS, ETC.

COMPENSATION.

No. 4847-Ex.

The 5th November 1898.

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read again—

Resolution by the Government of India, Finance and Commerce Department, No. 2422-Ex., dated the 31st May 1897.

Resolution by the Government of India, Finance and Commerce Department, No. 4936-Ex., dated the 8th November 1897.

RESOLUTION.—In the Resolution of 31st May 1897, cited in the preamble, with which the revised rules for the grant of Exchange Compensation Allowance were promulgated, certain general orders were issued as to the list of (*a*) offices in which European qualifications are indispensable and (*b*) services and departments in which a proportion of Europeans is held to be indispensable, and Local Governments and Departments were invited to make any recommendations for further inclusion in the lists. These having now been received from almost all quarters, His Excellency the Governor-General in Council is pleased to issue the following further orders as to what are the appointments by virtue of holding which an officer, ***appointed in India***, not being a statutory native, becomes entitled to Exchange Compensation Allowance.

It should be clearly understood in all cases that the present orders relate solely to the question as to what are the appointments by virtue of holding which an officer, if not otherwise excluded, becomes entitled to Exchange Compensation Allowance. They do not, therefore, render a person appointed in India eligible for the allowance, if he is a ***native of India*** within the definition of that term in Statute 33 Vict., cap. 3, section 6.

Public Works Department.

2. Excluding the Account Branch, certain special and technical appointments, and the clerical staff, which will be dealt with further on, the establishments of the Public Works Department appointed in India may be classed for the purposes of the Resolution as under:

3. *Engineering, including the Engineering Staff of State Railways.*

I.—Superior Establishments.

(*a*) Engineers appointed in India who have by reason of their previous European training been placed on an equal footing with Engineers appointed from Europe by the Secretary of State.

A list of the officers falling under this category is given in Appendix 13 of the Civil Service Regulations.

(*b*) Special Engineers taken over from Railway Companies.

(*c*) European and Eurasian Engineers appointed from the Indian Colleges before recruitment from those Colleges was limited to statutory natives.

(*d*) Other European and Eurasian Engineers appointed direct before recruitment was limited to officers sent out from England and officers appointed from the Indian Colleges.

This category includes a few officers appointed after passing the direct examination of the Thomason College.

(*e*) European and Eurasian Engineers appointed from the Indian Colleges after recruitment from the Colleges was limited to statutory natives.

This category includes Engineers appointed from the Colleges to the Provincial Engineering Establishment.

(*f*) Europeans and Eurasians appointed to the Provincial Engineer Establishment by promotion from the Upper Subordinate Establishment.

II.—Upper Subordinate Establishment of Sub-Engineers, Supervisors and Overseers.

(*a*) Military non-commissioned or warrant officers;

(*b*) Others recruited without restriction as to being statutory natives from the Indian Colleges and other sources.

III.—Lower Subordinate Establishment of Sub-Overseers, Maistries, etc.

Of these classes I (*a*), I (*b*), and II (*a*) are eligible. Classes I (*e*) and III are not eligible. As regards classes I (*c*), I (*d*), and II (*b*), orders will be passed hereafter. "Provincial" officers are dealt with in paragraphs 7 and 8.

4. *Establishments of State Railways.*—Excluding Engineering staff which has been dealt with above, and consisting of,—

I.—Superior Establishments.

(*a*) Managerial, in which the appointments are filled by slection in India from the Engineering, Traffic and other branches of the Public Works Department Establishment. Europeans only are selected.

(*b*) Traffic, recruited partly by selection of officers from other branches, partly by promotion of deserving subordinates, and partly by direct appointment—since 1897 all officers appointed direct are taken from Coopers Hill. These officers are Europeans with a sprinkling of Eurasians, and one native who is a promoted subordinate.

(*c*) Locomotive, consisting entirely of Europeans either appointed from England or in India after European training, or taken over from Companies.

(*d*) Storekeeper's Branch, also consisting entirely of Europeans, with a few Eurasians, taken over from Companies, and recruited either by direct appointment or transfer or promotion from other establishments.

II.—Subordinate Establishments, including open line, maintenance, traffic, and locomotive hands, holding appointments on the sanctioned cadre of the several lines as distinguished from the fluctuating staff, *e.g*, engine-drivers, firemen, guards, ticket-collectors, wheel-testers, station masters at the smaller stations, etc., and comprising,—

(*a*) pensionable hands, appointed before service in the Railway Revenue Establishments was made non-pensionable;

(*b*) non-pensionable hands appointed since.

The Superior Establishments under class I are essentially European in character, and the appointments included therein will qualify for Exchange Compensation Allowance, subject to the proviso that promoted subordinates in the Traffic Branch, and officers transferred thereto from other branches, will not be eligible for the allowance unless they drew it in their former capacity.

Of the pensionable men under class II (*a*) 42 at present hold appointments carrying a maximum pay of Rs. 250 and over. These appointments may be admitted as qualifying.

As regards the subordinate establishment under class II (*b*), most of these will be covered by an arrangement now under consideration, by which all non-pensionable subordinates on pay not exceeding Rs. 450 will be outside the ordinary Exchange Compensation Allowance rules, European members of the staff being eligible (within the Rs. 450 limit) for increased pay with reference to the market value of their services. Eight appointments which will remain outside this arrangement will qualify for Exchange Compensation Allowance.

5. The Superior Establishment of the Indian Telegraph Department is recruited from England, but at present contains four other officers, *viz.*, two officers transferred from the Indo-European Telegraph Department, and two promoted from the subordinate establishment before the constitution of a Provincial Service. These hold qualifying appointments. Future promotions from the Subordinate Department will be to the Provincial Branch of the service which is not eligible.

In the subordinate grades of the Indian Telegraph Department soldiers employed as signallers and telegraph masters are eligible.

6. The Indo-European Telegraph Establishment, even in its subordinate grades, is one which has to be selected largely with reference to European qualifications, and the Europeans contained therein should on this account be admitted to Exchange Compensation Allowance.

Provincial Service.

7. The general Provincial Services are the staff of Deputy Collectors and Extra Assistant Commissioners on the Executive side, and Sub-Judges, Munsiffs and the like on the Judicial side. They are entirely recruited in India, and the great majority of their members are Asiatic natives. Though they contain a sprinkling of Europeans, most of these are statutory natives.

The members of these Provincial Services are entirely outside the Exchange Compensation Allowance Rules.

8. The same ruling will apply to other Provincial Services existing alongside of, or in subordination to, an Imperial Branch of the same Department, as in such cases the necessary European element in the service is taken as being supplied by the Imperial Branch. Accordingly members of the Public Works, Telegraph, Forest and Survey Provincial Services are ineligible for Exchange Compensation Allowance and this also applies (with certain exceptions to be mentioned hereafter) to the Provincial Educational Service.

Account Departments.

9. There are in the main three Account Establishments in India—the Civil, the Public Works and the Military. The Civil, excluding the few appointments filled from the Indian Civil Service, is composed of—

(1) "the Enrolled List," which consists of—

(*a*) officers recruited in India, under a special system, *as Europeans* by nomination and examination, or by nomination alone before the method of recruitment by examination was introduced. (This class is now recruited by the Secretary of State in England);

(*b*) officers similarly recruited, but by a separate recruitment as statutory natives;

(*c*) officers promoted from subordinate positions.

(2) Chief Superintendents and Subordinate Account Service.

Of these, (1) (*a*) only is within the conditions of the Exchange Compensation Allowance.

10. The Public Works Accounts Service is composed of—

(1) The Superior Accounts Branch which consists of—

(*a*) European officers appointed *as Europeans* by nomination or by nomination and examination. These appointments are now made in England from the Royal Indian Engineering College.

(*b*) Officers taken over from Companies.

(*c*) Officers transferred from the Engineering and Traffic Branches of the Public Works Department.

(*d*) Officers promoted from subordinate grades.

(2) The Subordinate Accounts Establishment.

Of these, (1) (*a*) and (1) (*b*) are admissible. The eligibility of officers in class (1) (*c*) will depend on whether they were allowed Exchange Compensation Allowance in their previous appointments. Orders in regard to classes (1) (*d*) and (2) are reserved.

11. The Military Accounts Department is composed of—

(1) The Superior Service which consists of—

(*a*) Commissioned officers of the Army.

(*b*) Officers promoted from the Subordinate Service.

(2) The Subordinate Account Service.

Of these, (1) (*a*) are eligible as Europeans appointed in England. Orders will issue later regarding (1) (*b*) and (2).

12. The question whether the Examinership of Marine Accounts should be classed as an appointment which should in itself carry Exchange Compensation Allowance will be settled later on. In the meantime the Examiner will be eligible if appointed from the Royal Navy or Royal Indian Marine, or from the eligible grades of any of the Accounts Departments.

Technical Appointments.

13. There is a numerous class of appointments which may be grouped together as Technical appointments, and dealt with here:

(1) In the Public Works Department there are the Superintendent, Assistant Superintendent, and Mechanical Draftsman, Roorkee Workshops and Mine Managers and Overmen.

(2) The Military Department employ a large number of miscellaneous mechanicians and artizans; mechanics of Ordnance Establishments other than those who possess claims by reason of being enlisted soldiers or officers serving under covenant; professional tailors in the Army Clothing Department, and leather workers in the Ordnance Department; boatswains, sailmakers, gunners, and similar dockyard artizans who mostly occupy the position of foremen of working establishments.

(3) On the Mint establishments, there are mechanical engineers and engravers, and other artizans.

(4) In the Survey Department there are artizans in its workshops, and trained Engravers, Lithographers and Photographers.

(5) In the Civil Department there are Inspectors of Boilers and of Explosives and Curators of Museums and Gardens, and their assistants.

(6) Ordnance and Dockyard, Storekeepers are also in this category.

In many cases these men are appointed by the Secretary of State and sent out to India; in others they are appointed in India. So far as men appointed in India are serving under contract, their case is provided for by the rules. So far as they are not, they should be considered eligible for Exchange Compensation Allowance if they have, as a matter of fact, before their appointment, acquired their professional training or qualifications in Europe, or in Government establishments, or under European firms in India. But a man appointed without such previous training, and afterwards acquiring it in Government employ, has obviously not been appointed to Government employ by reason of any special European qualification.

14. The above principle applies also to those officers who are engaged in regulating or supervising large mechanical establishments. In commercial life, mill-owning firms and the like consider Europeans necessary for the posts of Superintendents of their working establishments, and in Government establishments of the same kind, such offices may be regarded as requiring European qualifications. Such appointments as Superintendent and Deputy Superintendent of Government Presses and also heads of Jail Workshops and of the Postal Workshop at Aligarh should, therefore, carry a title to Exchange Compensation Allowance.

15. Orders will hereafter issue with reference to Civilian Overseers at the Remount Depôts.

Marine Appointments.

16. The principal Marine appointments come under the principle which applies to "Technical appointments, namely, that for them a kind of skill and knowledge is necessary which is practically to be acquired only in Europe or in European employment. Therefore all Europeans holding appointments in connexion with ports that are prescribed either by Act of Parliament or by Indian Law (Port Officers, Ship Surveyors, Shipping

Masters and their Deputies and Assistants), Captains and other officers and Engineers of Government vessels,* Health Officers of Ports, River Surveyors, Bengal Pilot Service, should be entitled to Exchange Compensation Allowance. In this last case there is a small local service which is ineligible. Agents, Government Consignments, may be reckoned as eligible under this class.

17. European light-house-keepers who are of the class of able seamen or selected from the class of sea-going mariners may also be regarded as eligible for Exchange Compensation Allowance.

Learned Professions.

18. Appointments limited by rule or ordinary practice to Barristers or persons having an English Medical degree may be reckoned as carrying Exchange Compensation Allowance in the case of persons possessing these qualifications; but Uncovenanted Medical Officers appointed in India to posts which are also open to Civil Assistant Surgeons, a class of officers not entitled to the Allowance, are not eligible. Chaplaincies, which are usually held by graduates of English Universities, will carry Exehange Compensation Allowance under this category when filled in India.

But in several of these cases it has to be borne in mind that Exchange Compensation Allowance is not given to men who are not whole-time officers of Government, and who merely receive a fee in respect of part of their time given to public duties.

19. Gentlemen holding appointments as scientific experts must be similarly classed as eligible for Exchange Compensation Allowance, and this applies not only to isolated appointments mostly under Scientific and Minor Departments, but to such departments as the Geological, the Botanical, the Civil Veterinary and the Archæological.

By "experts" is meant persons who are selected for particular appointments by reason of their being already experts, and not men who merely become so by their being trained as assistants in Government service.

Police and Jail Departments.

20. Under the Resolution of this Department No. 4936-Ex., dated the 8th November 1897, Exchange Compensation Allowance is admissible to any European whose first appointment in the Police Department was in a post not lower than that of Assistant Superintendent. The principal appointments in the Jail Department also require European qualifications and officers of and above the rank of Assistant Superintendent in that Department who were appointed to these appointments direct may also be regarded as eligible.

21. Proposals have been made to include as appointments qualifying for the allowance a few appointments of lower grade. First, in the Police, the claim is made for A class Inspectors in Burma ("gentlemen Inspectors," from whom Assistant Superintendents are often selected). These may be admitted, as also the similar cases in some provinces where men are, or have been, specially appointed as Inspectors for a time only in pursuanee of a system of recruitment for Assistant Superintendencies, or pending the occurrence of a vacancy. The same will apply to any analogous case that may exist in the Jail Department. It has also been laid down, in some provinces at least, that the district Reserve Inspectors of Police should be Europeans, and these officers, and on similar grounds the Jailors of Presidency and Central Jails, may al so be admitted.

22. European Constables and European Sergeants of Police, and of European Warders in those Jails in which special accommodation is provided for Europeans, require European qualifications and are appointed by reason of their possessing them; at the same time, they are hardly within the classes for whom Exchange Compensation Allowance is intended, and the most suitable form of order regarding them that commends itself to His Excellency in Council is that they should be considered eligible until their Local Government reconsiders and revises the salaries attached to the appointments.

23. Superintendents in the Presidency Police forces should be considered eligible.

Opium Department.

24. Officers of this Department of and above the rank of Assistant Opium Agent should be regarded as eligible for Exchange Compensation Allowance.

Salt Department.

25. In the Salt Department executive appointments are chiefly officered by Europeans, domiciled and non-domiciled, the number of Asiatic natives in all but the lowest appointments being comparatively small. It is accordingly ruled that all officers

* The Royal Indian Marine stands on a different footing and is eligible *per se*.

of the Salt Department holding appointments not lower in rank than that of Assistant Superintendent in Northern India, Assistant Inspector in Madras and Inspector in Bombay, shall, if otherwise eligible, obtain Exchange Compensation Allowance.

Customs Department, etc.

26. The administering officers of the Customs Department have a good deal to do with European ships and European merchants, and officers of the rank of Assistant Collector and upwards may be classed as eligible. Appraisers, Gaugers and Inspectors at present on the establishment, and such of the officers of these classes as may hereafter be appointed *as Europeans*, may also be regarded as eligible. But this ruling will not apply to officers whose Customs Work is of a ministerial character such as Accountants, Superintendents of Statistics, etc.

27. Members of the Customs Preventive Service, including the two Superintendents of the Excise Detective Establishment, Calcutta Collectorate in regard to whom reference has been made by the Bengal Government are eligible.

Post Office.

28. The following categories are part of the indispensable European element of the Department :—

(1) All ranks senior to Superintendents ;

(2) the Sea Post Office Establishment ;

(3) the Aden Post Office Establishment ;

and Europeans filling these posts will be eligible.

29. In 1880 the Director-General was directed to arrange his recruitment for Superintendencies of Post Office so as to provide a proportion of Europeans for certain special posts, and the necessity for this has now been more prominently brought to notice in connexion with Postal work on Military Expeditions. Accordingly European Superintendents to the extent of 10 per cent. of the whole body of this class may be admitted to Exchange Compensation Allowance.

Education Department.

30. This Department is divided into an Imperial and a Provincial Service, which primarily gives the division between the eligibility and non-eligibility—see paragraph 8 above. But Head Masterships and Head Mistressships (by whatever designation known) of all technical colleges or schools and of all schools specially established for Europeans, and such special appointments (not being Heads) as those instanced below, may be included among those carrying Exchange Compensation Allowance :—

(1) Professor and Superintendent, Seebpur Engineering College.

(2) Assistant Superintendent, School of Art, Calcutta.

Survey and Forest Department.

31. These are Departments which are divided into an Imperial and a Provincial Service. All officers in the Imperial Service of both Departments are eligible, if otherwise qualified. As stated in paragraph 8 of this Resolution officers in the Provincial Service of these Departments are not eligible.

Secretaryships and Heads of Departments.

32. The holders of Secretaryships under Governments (including Joint, Deputy, Under and Assistant Secretaryships) should, if Europeans and not already qualified by reason of the service to which they belong, obtain Exchange Compensation Allowance.

33. The same rule is applicable to Registrarships and Deputy Registrarships in High Courts.

34. On the same principle Heads of Departments are included generally. Most of them will no doubt be qualified by reason of the service to which they belong; but where they are not, they are, if Europeans, entitled to the allowance.

35. Superintendents of Stamps and officers holding special appointments as Income-tax Collector at a Presidency Town are also eligible.

Personal Staff.

36. The personal staff of the Governor-General and Heads of Provinces (when not admissible by reason of the service to which they belong) and also the Heads of the clerical staff of Private and Military Secretaries are included.

Clerical and Ministerial appointments.

37. These cases, including Registrars and Superintendents as well as purely clerical members of establishments, are reserved for further orders, save that on the establishment of the Foreign Office under the Government of India, twelve appointments above the grade of Rs. 100—150 shall be regraded as the number of appointments which it may be necessary to fill with Europeans who are not statutory natives, and within that limit Exchange Compensation Allowance will be admissible to the establishment of that office.

The question whether there are any other civil office establishments, in which a proportion of Europeans not being statutory natives, is indispensable has not yet been finally settled, and if it should be decided that there are any such, orders in regard to them will issue later on.

Military Subordinates and Warrant Officers; and Clerks in Military Offices, including the Military Secretariat of the Government of India.

38. If an appointment on an establishment (including ministerial establishments) connected with the administration of the army is by rule or practice held by man who is borne on the strength of the British Army, such a person holding such an appointment will be eligible for Exchange Compensation Allowance. Warrant and Honorary Commissioned Officers of the Subordinate Military Medical Service will come under this catogory.

To other members of these establishments the orders in paragraph 37 apply.

Transfer from an eligible to a non-eligible appointment.

39. The case of an officer transferred from a service or appointment in which he is eligible for Exchange Compensation Allowance to one which does not carry the allowance should be dealt with as follows. So long as such an officer substantively belongs to the eligible service or appointment, and merely officiates in the other, he should retain his claims; but when he is substantively transferred, he should not get the allowance if he would not have drawn it had he been originally recruited for his new service or appointment.

Grant of Exchange Compensation Allowance to Local Fund and Municipal servants.

40. The orders issued by the Government of India on the subject of Exchange Compensation Allowance apply *proprio vigore* only to officers paid from general revenues. Their application to officers serving under Local Boards and Municipalities is a matter to be settled by Local Governments so far as these have legal and financial power to enhance the salaries of such officers. To this extent Local Governments may sanction any increase in the salaries of Local Board or Municipal servants by way of exchange compensation, provided that the concessions so made in no case exceed what such officer would have been eligible for by way of Exchange Compensation Allowance had he been serving under Government. It must also be borne in mind that, as stated in paragraph 3 of the preamble to the Exchange Compensation Allowance Rules issued with this Department's Resolution of 31st May 1897, No. 2422-Ex., no vested rights to receive compensation for fall in exchange can in any case be recognised.

ORDER.—Ordered that the foregoing Resolution be publishen in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations: to Departments of the Government of India; to Heads of Departments subordinate to the Financial Department; to the Comptroller and Auditcr-General; and to all Accountants-General and Comptrollers.

H. H. RISLEY,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 11th November 1898.

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 1247.—The undermentioned members of the Volunteer Force are granted the volunteer long-service medal under the provisions of clause 152, India Army Circulars of 1895:

* * * * * * * *

1st Punjab Volunteer Rifles.

Sergeant T. W. Wilkins.

Volunteer J. A. Salt.

* * * * * * * *

North-Western Railway Volunteer Rifles.

Quartermaster-Sergeant F. E. Fay.

Color-Sergeant W. A. Galbreath.

Bugle-Major G. Wilds.

* * * * * * * *

E. G. BARROW, *Lieutenant-Colonel,*

for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 5th November 1898.

No. 499.—Mr. R. G. Kennedy, Superintending Engineer, 2nd Class, *temporary rank*, Punjab, is permanently promoted to Superintending Engineer, 3rd Class, and temporarily to Superintending Engineer, 2nd Class, with effect from the forenoon of the 15th October 1898.

Mr. G. M. R. Field, Executive Engineer, 1st Grade, Punjab, is promoted to Superintending Engineer, 3rd Class, *temporary rank*, with effect from the forenoon of the 15th October 1898.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED NOVEMBER 12th, 1898.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

APPOINTMENT OF A PLAGUE COMMISSION.

Nos. 4360—74.

Extract from the Proceedings of the Government of India in the Home Department ($\frac{Sanitary}{Plague}$),*—under date Simla, the* 11*th November* 1898.

Read—

(1) Despatch to Her Majesty's Secretary of State for India, No. 19, dated the 25th August 1898.

(2) Telegrams from Her Majesty's Secretary of State for India, dated the 28th Sepetmber and 2nd November 1898.

RESOLUTION.

Plague broke out in the City of Bombay during the rainy season of 1896 and has since visited all parts of the Bombay Presidency, the city of Calcutta, the district of Sahāranpur in the North-Western Provinces, the districts of Jullundur and Hoshiárpur in the Punjab, several districts of the Madras Presidency, the Hyderabad and Mysore States, the Sirohi State in the Rájputána Agency, and the Gwalior State in the Central India Agency. No efforts have been spared in devising and prosecuting measures to stay the epidemic, and the Government of India think that, although the plague has been widespread, these efforts have been attended in many respects with marked success.

2. The Governor-General in Council is of opinion that the time has now come when it is possible as well as most desirable to obtain reliable scientific opinion as to the manner in which the disease is communicated, the causes of the outbreaks in different parts of India, and the circumstances influencing their growth and decline. The facts connected with the outbreaks of the disease are still very obscure, and no such opportunity has arisen—and it may be hoped that none will arise in the future—as now presents itself for their investigation. A number of interesting facts have already been collected and embodied in the different reports regarding the outbreak of the disease which has prevailed in India for the past two years; but there must be many valuable items of information to be ascertained from officers who have been employed on plague operations that have not been recorded in official reports; and there are also many circumstances connected with the outbreaks at different places which require to be locally examined by persons who can collate the facts and form conclusions which will be accepted by public as well as scientific opinion in respect of them.

The Government of India also regard it as very desirable that an authoritative scientific opinion should be obtained as to the value of prophylactic and therapeutic serum in dealing with plague.

3. The Governor-General in Council has accordingly decided, with the approval of Her Majesty's Secretary of State for India, to appoint a Commission to inquire into the following questions:—

(1) the origin of the different outbreaks of plague;

(2) the manner in which the disease is communicated;

(3) the effects of curative serum; and

(4) the effects of preventive inoculation.

The object with which the Commission is appointed is to conduct an investigation of a scientific character, the results of which will be of the greatest interest and importance not only to the Government of India, but beyond the limits of the Indian Empire.

4. The President of the Commission will be Professor T. R. Fraser, M. D., L. L. D., F. R. S., Professor of Materia Medica in the University of Edinburgh. The Members of the Commission will be Mr. J. P. Hewett, C. I. E., I. C. S., Secretary to the Government of India in the Home Department; Professor A. E. Wright, M. D., Professor of Pathology in the Army Medical School, Netley; Mr. A. Cumine, I. C. S., a Senior Collector in the Bombay Presidency; and Dr. M. A. Ruffer of the Egyptian Sanitary Department. Mr. C. J. Hallifax, I. C. S., will be Secretary to the Commission.

5. The Commission will be formally constituted on the arrival of the members from England. They will first visit the city of Bombay and will probably then desire to make enquiries in the other parts of India in which plague is or has been prevalent. The Governor-General in Council desires to leave the matter of method and procedure entirely to their discretion. The general conduct of the inquiry and the regulation of the course of business before the Commission will be entrusted to the President in communication with the Members. The Commission, through their Secretary acting under the instructions of the President, will correspond direct with Local Governments and Administrations (including Political Officers in direct relation with the Government of India) and Departments of the Government of India and with any local authorities with whom direct communications may be authorized by Local Governments and Administrations as a matter of convenience and in order to save time. It is requested that all communications or requisitions for information emanating from the Commission may be treated as urgent and complied with promptly, and that, in the event of the Commission visiting a Province, they may be afforded every facility for their inquiries.

ORDER.—Ordered, that copy of this Resolution be forwarded to the Local Governments and Administrations for information and guidance, and to the Departments of the Government of India noted in the margin for information.*

Madras.
Bombay.
Bengal.
North-Western Provinces and Oudh.
Punjab.
Burma.
Central Provinces.
Assam.
Coorg.
Hyderabad.
Foreign, Public Works, Finance, Military Department.

*To Foreign Department, and communication to Political Officers.

Ordered also, that it be published in the Supplement to the *Gazette of India* for general information.

[True Extract.]

A. H. L. FRASER,

Offg. Secretary to the Government of India.

ORDER.—Ordered, that copy of this Resolution be forwarded to the Local Governments and Administrations for information and guidance and to the Departments of the Government of India noted in the margin for information.

Ordered also, that it be published in the Supplement to the *Gazette of India* for general information.

[True Extract.]

A. H. L. FRASER,

Offg. Secy. to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 24, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 19TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

Simla, the 14th November, 1898.

No. 4417.—Mr. C. J. Hallifax, I.C.S., is placed on special duty under the Home Department of the Government of India from the 31st October 1898.

JUDICIAL.

The 18th November, 1898.

No. 1349.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by Section 4, sub-section (3), of the Petroleum Act, 1886 (XII of 1886), as amended by Section 3 of the Petroleum Act, 1898 (VII of 1898), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor-General in Council on or after the 1st January 1899.

2. Any objection or suggestion, which may be received from any person with respect to the draft before the date aforesaid, will be considered by the Governor-General in Council :—

Draft Notification.

In exercise of the power conferred by Section 4, sub-section (3), of the Petroleum Act, 1886 (XII of 1886), as amended by Section 3 of the Petroleum Act, 1898 (VII of 1898), the Governor-General in Council is pleased to direct that the following addition be made to Part III of the schedule to the said Petroleum Act, 1886 :—

"6. *Application of the test to viscous fluids or preparations.*—If the flashing test has to be applied to substances of a viscous or semi-fluid nature which cannot be poured (such as solutions of India-rubber in mineral naphtha or thick paint made with that material) the mode of proceeding is as follows :—

About a tablespoonful of the substance to be tested is placed in the cup, and the cover is put on. The air chamber in the water-bath is filled with water to the depth of 1½ inches, and the temperature of the water-bath is raised to 76° Fahrenheit (for which

purpose the scale of the thermometer to be used in the water-bath should range from 60° to 180°). The cup is then put into the bath and the temperature of the water-bath maintained at 76° Fahrenheit throughout the test. After the lapse of fifteen minutes the test flame is to be applied. If no flash occurs, the heating is continued for another fifteen minutes and the test flame again applied, and so on until a flash takes place, or the temperature in the cup has reached 75°. If a flash has not taken place, when that temperature is reached, the test need not be continued. The temperature at which a flash occurs, is the observed flashing point of the substance, and, subject to correction for atmospheric pressure as hereinbefore described, is the true flashing point."

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREST DEPARTMENT.

NOTIFICATION.

Simla, the 15th November, 1898.

No. 1477-*G.*—The services of Lieutenant-Colonel A. Deane, M. D., Indian Medical Service (Bengal), are placed at the disposal of the Home Department, with effect from the date on which he is relieved of his duties of Residency Surgeon in Kashmir, in view to his appointment to officiate as Inspector-General, Civil Hospitals, Punjab.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

NO. 5040-*Ex.*

Simla, the 17th November, 1898.

RESOLUTION—By the Government of India, Finance and Commerce Department.

READ—

Resolution by the Government of India, Finance and Commerce Department, No. 4217-Ex, dated the 21st September 1897.

Resolution by the Government of India, Finance and Commerce Department, No. 4847-Ex., dated the 5th November 1898.

RESOLUTION.—Officers of the classes to which Exchange Compensation Allowance is admitted by the Resolution of 5th November 1898 read above, but who have not yet drawn it, may now be admitted, with effect from the 1st April 1897 (*vide* Rule XIII of the rules issued with this Department's Resolution of 31st May 1897, No. 2422-Ex.), with the sanction of the Local Government to which they are subordinate or, in the case of officers of Imperial Departments, of the Head of their Department. Cases in which there is doubt as to the title of an officer to the allowance with reference to the Statutory definition of a native of India, or as to the appointment which he holds being a qualifying one, must be referred through the proper channel to the Government of India in the Finance and Commerce Department.

2. In the case of officers who have hitherto drawn Exchange Compensation Allowance, but to whom it is by the Resolution of 5th November 1898 declared to be inadmissible, the allowances drawn in respect of salary for the month of September 1897 and subsequent months (*vide* paragraph 2 of the Resolution in this Department of 21st September 1897, No. 4217-Ex.), and to be drawn in future, will be adjusted under Rule XIII above referred to, as prescribed in parapraph 12 of the Resolution of 31st May 1897.

Rule XIII and the orders of 21st September 1897 are for convenience of reference quoted below :

"*Rule XIII.*—These rules shall come into force with effect from the 1st of April 1897, provided that officers to whom Exchange Compensation would not be admissible under these rules, but who have been admitted to it under the rules previously in force, will continue to draw it to the extent of the salaries they were drawing on the 1st of April 1897; but any increase in their salary after that date will be taken in reduction and ultimately in extinction of the claim to the allowance."

Orders of 21st September 1897.—"His Excellency the Governor-General in Council * * * * * * * directs that the rule (Rule XIII) be brought into force at once in cases of officers who were appointed in India and whose salary is less than Rs. 400 a month, inasmuch as they, as a general rule, will not fulfil the conditions required to entitle them to the allowance and also in all other cases in which the Head of the Department or office in which the officer serves considers that there is reasonable doubt whether the officer will be eligible under the new rules. No recoveries need be made of amounts passed in respect of any salary for the month of August 1897 or earlier months, but it must be understood that all amounts drawn for subsequent months will be subject to readjustment under Rule XIII, if the officer concerned is finally declared ineligible."

ORDERED that this Resolution be circulated to all Local Governments and Administrations; to Departments of the Government of India; to the Private Secretary to His Excellency the Viceroy; to Heads of Departments subordinate to the Financial Department; to the Comptroller and Auditor General; and to all Accountants General and Comptrollers.

Ordered also that the Resolution be published in the *Gazette of India*.

H. H. RISLEY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 18th November, 1898.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 1259.—The following promotions are made, subject to Her Majesty's approval :

Majors to be Lieutenant-Colonels.

13th November, 1898.

Redmond Conyngham Samuel Macausland.

* * * * *

E. G. BARROW, *Lieutenant-Colonel,*
for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 18th November, 1898.

No. 527.—The following is published for general information :

No. 2998 G., dated Simla, the 17th November, 1898.

RESOLUTION—By the Government of India, Public Works Department.

Conditions under which deposits of subscribers to the Civil Engineers' Provident Fund are to be placed on a sterling basis.

READ—

Despatch to Secretary of State for India, No. 19 Public Works, dated 19th May 1898.

Despatch from Secretary of State for India, No. 22 Public Works, dated 7th July 1898.

RESOLUTION.—The Government of India have had under consideration representations made at various times by depositors in the Civil Engineers' Provident Fund regarding the fluctuations that have taken place in the value of the deposits when converted into sterling.

2. It is observed that the conditions of this fund, as between Government and the depositors, are simply that Government should receive rupees, should allow compound interest on the rupee sums so received, and pay over the accumulated balance of these sums in rupees on the retirement or death of the depositors.

3. The Government of India, however, after consideration of the question, thought that it would be possible to allow certain present and future incumbents of the fund, at their option, to convert their rupee deposits into the corresponding sterling value either (1) of the year in which they were deposited, or (2) of the year in which they elected to make the conversion: provided that they also consented, in consideration of their deposits being so placed on a sterling basis, to receive interest on them, after such conversion, at the rate of 3 instead of 4 per cent. per annum, the latter being the rate of interest hitherto allowed on the rupee deposits.

This proposal was therefore made to the Secretary of State and has been accepted by His Lordship.

4. The following rules are now issued under which certain depositors may be permitted to exercise the option of converting the whole of their deposit into sterling, and of thereafter having this kept on a sterling basis:

I.—All members of the fund appointed in England, and all others who declare their present intention of retiring to Europe or the Colonies, and whose claim, on those grounds, the Head of the Administration sanctions or admits, shall be given the option of having their Provident Fund accounts kept either on a rupee or on a sterling basis. This option shall be exercised once for all in the case of existing members on duty, or privilege leave, or on leave in India of any kind, within six months of the date of this Resolution; and in the case of future entrants within six months of joining the fund. In the case of officers, whether on duty or on leave, other than privilege leave, out of India, when the Resolution issues, the option must be exercised within eight months of the date of the Resolution.

The interest allowed on deposits converted, or placed on a sterling basis shall be 3 instead of the 4 per cent. per annum hitherto allowed on rupee deposits.

The conversion of amounts at the credit of existing members shall be carried out in the month in which the election for the sterling basis takes place, at the average rate of exchange obtained by the Secretary of State on his remittances for the month or, if there be no remittances, at the Bank of Bengal's quotations for demand bills; and in the case of future deposits the conversion shall be carried out once a year, at the average rate of exchange for the year similarly calculated.

II.—All existing members of the fund who, under the first option, elect to have their accounts kept on a sterling basis, shall be given the further option of having their accounts re-calculated, on the hypothesis that the deposits were converted into sterling in the year in which they were paid into the fund at the average rate of exchange obtained by the Secretary of State on his remittances for the year, and that compound interest at the reduced rate of 3 per cent. per annum on these converted amounts was allowed.

III.—It will be understood that unless the option for sterling is declared under I and II above, depositors will have no claim to repayment except upon a purely rupee basis.

5. To assist depositors in making any calculations they may wish to make before exercising the option, a table is appended showing the average rates of exchange obtained by the Secretary of State on his remittances for each year since the institution of the fund.

If any depositor desires information as to the amounts of his deposits each year, he should apply to the Examiner, State Railway Stores Accounts.

ORDER.—Ordered that this Resolution be communicated to the Local Governments, Administrations and Officers noted on the margin for information and guidance, with request that copies may be forwarded to all officers who have deposits in the fund including those on leave; and that it be published in the *Gazette of India.*

The Governments of Madras and Bombay, Public Works Department, General and Railway Branches.
The Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab
The Government of Burma, Public Works Department, General and Railway Branches.
The Chief Commissioners of the Central Provinces, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General for Rajputana, Central India, and Baluchistan.
The Accountant-General, Public Works Department.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow, and Assam.
The Director-General of Telegraphs.
The Managers, North-Western, Oudh and Rohilkhand, East Coast, and Eastern Bengal State Railways.
The Engineers-in-Chief, Mari-Attock, Bezvada-Madras, Hardwár-Dehra and Ghaziabad-Moradabad Railways.
The Engineer-in-Chief, Godavery and Indus Bridge Works.
The Engineers-in-Chief, Kohát-Bannu and Bara-Ajmere-Marwar Railway Surveys.
The Port Storekeeper, State Railway Department, Calcutta.

Ordered, also, that a copy, together with a copy of the Despatch from the Secretary of State quoted in the preamble, be communicated to the Finance and Commerce Department.

Average rates of exchange obtained by the Secretary of State for India on his remittances year by year from 1883-84.

Year.	Average rate of exchange.
	d.
1883-84	19·536 = Re. 1.
1884-85	19·308 = „
1885-86	18·254 = „
1886-87	17·441 = „
1887-88	16·899 = „
1888-89	16·379 = „
1889-90	16·566 = „
1890-91	18·089 = „
1891-92	16·733 = „
1892-93	14·985 = „
1893-94	14·547 = „
1894-95	13·100 = „
1895-96	13·638 = „
1896-97	14·451 = „
1897-98	15·354 = „

F. R. UPCOTT,

Secretary to the Government of India.

The 17th November, 1898.

No. 525.—With reference to Public Works Department Notification No. 331, dated the 22nd July, 1898, Brevet-Colonel J. W. Thurburn, R.E., Executive Engineer, 1st Grade, Punjab, officiated as a Superintending Engineer on the 17th October 1898, *vice* Mr. J. E. Hilton on special duty.

No. 526.—Brevet-Colonel J. W. Thurburn, R.E., Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the forenoon of the 18th October, 1898, during the absence of Mr. J. E. Hilton on privilege leave, or until further orders.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 1, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 26TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 25th November 1898.

No. 925.—Sir Richard Udny, K. C. S. I., is permitted to resign Her Majesty's Indian Civil Service, with effect from the 1st January 1899, or the subsequent date on which he may sail from India or relinquish charge of office in the event of his not taking subsidiary leave.

MEDICAL.

The 24th November 1898.

No. 1659.—Lieutenant-Colonel A. Deane, M. D., I.M.S. (Bengal), is appointed to officiate as Inspector-General of Civil Hospitals, Punjab, during the absence on furlough of Colonel D. O'C. Raye, M. D., I. M. S. (Bengal), or until further orders.

ECCLESIASTICAL.

The 25th November 1898.

No. 542.—The services of the Reverend C. Mayhew, a Chaplain on the Ecclesiastical Establishment, are placed at the disposal of the Government of the Punjab for permanent employment in the Lahore Diocese.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

STAR OF INDIA.

NOTIFICATION.

Simla, the 25th November 1898.

No. 96-*S.-I.*—His Excellency the Grand Master of the Most Exalted Order of the Star of India held an investiture of the Order in the Darbar Hall of the Mahárája's Palace at Patiála, at 6 P. M., on Tuesday, the 8th November 1898.

At this ceremony, His Excellency the Grand Master, in accordance with Her Majesty's Commands, invested His Highness Farzand-i-Khas-i-Daulat-i-Inglishia Mansur-i-Zamán Amír-ul-Umara Mahárája-Dhiráj Rájeshwar Sri Mahárája-i-Rájagán Rajindra Singh Mahindra Bahádur, Mahárája of Patiála, with the Insignia of the First Class of the Most exalted Order of the Star of India.

His Excellency, on the same occasion, decorated Lucas White King, Esquire, of the Indian Civil Service, with the Badge of the Third Class of the Order.

W. J. CUNINGHAM,

Secretary to the Most Exalted Order of the Star of India.

MILITARY DEPARTMENT.

Simla, the 25th November, 1898.

LONDON GAZETTE.

No. 1283.—The following extracts are published for general information :—

"*London Gazette," dated the 1st November* 1898, *pages* 6376, 6377, *and* 6378.

* * * * *

INDIA OFFICE;

1st November 1898.

* * * * *

The Queen has also approved of the retirement from the service of the under-mentioned officers :—

INDIAN STAFF CORPS.

Lieutenant-Colonel Dudley Elphinstone Gouldsbury. Dated 16th October 1898.

* * * * *

E. G. BARROW, *Lieut.-Colonel,*

for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th November 1898.

No. 536.—The following promotions and reversions are ordered in the Superior Accounts Branch :—

Name.	From	To	Nature of promotion.	With effect from
* *	* *	* *	*	* *
Jai Kishen ...	Deputy Examiner Class I (*new classification*), sub. *pro tem.*	Deputy Examiner, Class I (*new classification*).	Permanent ...	13th September 1898.
* *	* *	* *	*	* *

F. R. UPCOTT,

Secretary to the Government of India.

The 25th November 1898.

No. 538.—Mr. B. Parkes, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the afternoon of the 14th November 1898, during the absence on privilege leave of Brevet-Colonel J. W. Thurburn, R.E., or until further orders.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 8, 1898.

PART II.

Republications from the "Gazette of India."

Nil.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 15, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 10TH, 1898.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

POST OFFICE.

Calcutta, the 3rd December, 1898.

No. 5335-*S. R.*—In exercise of the power conferred by Section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to declare (1) that, with effect from the 1st January, 1899, the Indian inland rates of postage shall be charged in respect of letters, post-cards and book and pattern packets sent, by any route, from British India to Ceylon; and (2) that the entry of Ceylon in the list of British possessions attached to the Notification in this Department, No. 4832-S. R., dated the 4th November, 1898, be cancelled.

The 5th December, 1898.

No. 5333-*S. R.*—In exercise of the powers conferred by Sections 30, 31 and 32 of the Indian Post Office Act, 1898 (VI of 1898), and in supersession of so much of the Notification of the Government of India in the Department of Finance and Commerce, No. 2832-S. R., dated the 24th June, 1898, as relates to the insurance of postal articles, the Governor-General in Council is pleased to issue the following rules and orders which shall come into force from the 1st January 1899:—

1. Registered letters, value-payable registered letters, and registered parcels may be insured up to the value of Rs. 500 at such branch post offices, and up to the value of Rs. 2,000 at such other post offices, as may be authorized by the Director-General to accept articles for insurance: Provided that in no case shall the value to be insured exceed the real value of the contents of such articles.

2. Insurance shall be of two kinds, complete and partial. Complete insurance shall cover all risks during transit from the office of posting to the office of delivery. Partial insurance shall cover all risks during transit in British territory and all risks except those arising out of highway robbery during transit in Native State territory, to and from such post offices as may be specified in this behalf by the Director-General in the Postal Guide.

3. In addition to the postage and the fee for registration, a further fee shall be charged for insurance calculated as follows:—

		Annas.
When the value insured does not exceed Rs. 50	...	2
When it exceeds Rs. 50 but does not exceed Rs. 100	...	4
For every additional Rs. 100 or fraction thereof ...	...	4

The further fee in the case of partially insured articles shall be charged at only half the above rates.

4. The prepayment of all charges on insured articles (*i.e.*, postage, registration fee and insurance fee) shall be compulsory. Payment in all cases shall be made by means of postage stamps affixed to the articles.

5. The cover of a letter intended for insurance shall be of strong paper, or other substantial material, securely closed and sealed at intervals not exceeding two inches along each fold or seam. A parcel intended for insurance shall be securely packed in an outer covering of cloth, waxcloth or wood. If the parcel is packed in cloth, it shall bear seals at intervals not exceeding three inches over each seam. All the seals affixed to an insured article shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

6. The minimum size for an insured parcel shall be 12 cubic inches.

7. An article intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured clearly written, in words and figures, on the cover. The name and address of the sender shall also be written on the cover in the lower left hand corner, or on a separate slip of paper, to be presented with the article, should there be no room for his name and address on the cover.

8. A receipt shall be given to the person who presents an article for insurance at the post office window during the hours prescribed for posting insured articles.

9. The sender of an insured article shall be entitled to obtain, free of charge, an acknowledgment of its delivery signed by the addressee.

10. There shall be payable to the sender of an insured postal article compensation not exceeding the amount for which the article has been insured, for the loss of the postal article or its contents or for any damage caused to it in course of transmission by post except in the cases described below: Provided that the compensation shall in no case exceed the value of the article lost or the amount of the damage caused.

The excepted cases are as follows:—

(*a*) Misdelivery arising out of incorrectness or incompleteness of the address written by the sender.

(*b*) Fraud on the part of the sender or addressee.

(*c*) When the insured article has been delivered to the addressee, and he has signed and returned the receipt and acknowledgment for such article.

(*d*) When the sender does not give intimation of loss within three months from the date of posting.

(*e*) In cases of damage due to improper or insecure packing.

(*f*) When there is no visible damage to the cover or seals.

(*g*) In the case of partially insured articles, when the loss or damage is caused by highway robbery during the transit in respect of which the insurance is partial only.

11. Compensation shall be payable one month after the date on which intimation of loss is given by the sender to the post office, except in cases in which the Postmaster-General may consider that the circumstances demand the withholding of payment pending inquiry.

12. Coin, bullion, precious stones, jewellery and articles of gold or silver can be sent by post only in insured registered letters or insured parcels. If a letter or parcel presented at the post office window is found to contain any such object of value, it shall not be accepted for transmission by post, unless the sender insures it; and, if an uninsured article manifestly containing any such object of value is found in the post, it shall be either intercepted and returned to the sender or forwarded to destination and delivered to the addressee subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on Government.

Explanation.—In this rule, the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods or gold or silver lace or embroidery.

STEPHEN JACOB,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

TELEGRAPHS.

Calcutta, the 5th December, 1898.

No. 552.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following alterations be, with effect from the 1st January, 1899, made in the rules under the said Act published with the Notification of the Government of India in the Public Works Department (Telegraphs), No. 245, dated the 25th June, 1897, and amended by the like Notifications Nos. 63, 273, and 344, dated, respectively, the 10th February, the 16th June, and the 27th July, 1898 :—

(1) For Rule 76 in Section II (Inland Telegrams) the following shall be substituted, namely :—

"67. If the sender of an inland telegram wishes to cancel it before transmission has begun, he can do so, and the charges, less a fee of four annas, will be returned: Provided that, if the telegram has been stamped, either by the sender or by the booking office, and the stamps have been obliterated, the charges shall be refunded under Rule 142, clause (*i*), only on application being made to the *Superintendent, Check Office, Government Telegraph Department, Calcutta*, within the period prescribed by Rule 144. If the telegram is in course of transmission, or has already been despatched, it can be cancelled only by a paid Service Advice addressed under Rule 46 to the Terminal Office. If, in addition, the sender wishes to be informed by telegraph in what manner his request has been acted upon, he must deposit the cost of the return telegram; otherwise he is informed by post."

(2) For Rule 94 in the same section the following shall be substituted, namely :—

"94. The Pass is available for only two months (date of issue included) after which it lapses. When the addressee does not use the Pass, its value will be refunded to the sender on production of the Pass should he apply, under Rule 142, clause (*d*), for the same, within the period prescribed by Rule 144."

(3) For Rule 144 in the same section the following shall be substituted, namely :—

"144. Applications for refunds, as also all complaints respecting telegrams, should be addressed to the *Superintendent, Check; Office, Government Telegraph Department, Calcutta.* Such claims for refund must be made within two months from the date of the telegram."

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 22, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 17TH, 1898.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS.

Calcutta, the 10th December 1898.

No. 5435-*S. R.*—In exercise of the power conferred by Section 22 of the Sea Customs Act, VIII of 1878, the Governor-General in Council is pleased to declare that in the case of the following two entries in the import tariff, *viz.*, steel, basic, all sorts (other than galvanised or tinned basic steel sheets) and steel, basic, sheets (if galvanised), the assessment to duty on import shall be made *ad valorem* and not at the fixed valuations noted in the tariff.

W. S. MEYER,

Deputy Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 16th December 1898.

LONDON GAZETTE.

No. 1340.—The following extracts are published for general information :—

"*London Gazette,*" *dated the* 15*th and* 22*nd November* 1898, *pages* 6689, 6694, 6939 *and* 6940.

India Office, 22*nd November* 1898.

The Queen has approved to the following Promotions among the Officers of the Staff Corps and Indian Medical Service, * * * * made by the Government of India :—

INDIAN STAFF CORPS.

* * * * *

Lieutenants to be Captains.

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Dated 28th September 1898.

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Francis Washington Lethbridge.

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INDIAN MEDICAL SERVICE.

Majors to be Lieutenant-Colonels.

Dated 30th September 1898.

BENGAL ESTABLISHMENT.

* * * * *

John Anderson.

Charles James Bamber.

Malachi O'Dwyer.

* * * * *

Captains to be Majors.

Dated 30th September 1898.

BENGAL ESTABLISHMENT.

Robert Joseph Macnamara, M.D.

* * * * *

Herbert Mackinlay Morris.

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VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 1349.—*Punjab Light Horse*—

Captain R. Clarke resigns his Commission.

No. 1351.—1*st Punjab Volunteer Rifles*—

Lieutenant A. E. Fox resigns his Commission, with effect from the 1st November 1898.

No. 1352.—2*nd Punjab* (*Simla*) *Volunteer Rifles*—

Bertrand Nigel Bosworth-Smith, Gentleman, to be Second-Lieutenant, with effect from the 11th August 1898, to complete the establishment.

No. 1358.—*North-Western Railway Volunteer Rifles*—

Lieutenant Charles Dundas Dove Wilson to be Captain, with effect from the 21st October 1898, *vice* Price, transferred to the Supernumerary List.

Second-Lieutenant Francis Thomas Millard to be Lieutenant, with effect from the 21st October 1898, *vice* Wilson, promoted.

C. H. SELWYN, *Captain,*

for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

The 8th December 1898.

No. 556.—With reference to Notification No. 390, dated 29th August 1898, Lála Rulla Rám, Officiating Deputy Examiner of Accounts, reverted to his substantive appointment of Accountant, 1st grade, and Assistant Examiner of Accounts (Honorary rank) with effect from the 24th November 1898.

Calcutta, the 13th December 1898.

No. 566.—With reference to Public Works Department Notification No. 559, dated the 8th December 1898, Mr. S. Preston, Superintending Engineer, Punjab, is appointed Chief Engineer and Secretary to the Government of the North Western Provinces and Oudh, Public Works Department, Irrigation Branch, with permanent rank as Chief Engineer, 3rd Class.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED DECEMBER 17th, 1898.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

METEOROLOGY.

REPORT ON THE ADMINISTRATION OF THE METEOROLOGICAL DEPARTMENT OF THE GOVERNMENT OF INDIA FOR 1897-98.

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture, No. 27—60-2, *dated Simla, the 8th December* 1898.

READ—

The Annual Report on the Administration of the Meteorological Department for the year 1897-98.

RESOLUTION.

THE number of departmental observatories working during the year was 174 or one more than in the previous year. Observations were regularly received from the Seychelles Islands and arrangements were made for the despatch of a daily telegram from that station from the beginning of May to the 27th July 1897, to give early information as to the advent and progress of the south-west monsoon. An observatory at Car-Nicobar in the Nicobar Islands was opened on the 10th May 1897, and should prove a valuable addition to the system in providing accurate data for a part of the Bay for which but scanty information is at present available. The observatory at Minicoy which was closed in 1896 was re-opened on the 16th June 1897. Six non-departmental observatories working in co-operation with the Department were established during the year. Observatories were also opened at Kotah and Udaipore. The observatory at Para Chinar, opened on the 15th June 1897, is a valuable addition to the system and gives data for a large frontier district of the Punjab which was previously outside the area of observation. The Kashmir State has opened an observatory at Gulmarg and arrangements have been made to take hourly observations on four days in each month at the Srinagar Observatory, which should give valuable results. During the year under review the observatories at Salona (Assam), Mardan (Punjab), Rajahmundry (Madras), and Khamamet (Hyderabad-Deccan) were closed. The circumstances under which the observatory at Salona was established were

stated in the review of the report for 1896-97. Owing to serious illness Mr. Wilfred Fleet, the founder of the observatory, left the country, and in the absence of any one able or willing to take it up the work of observation was discontinued. The discontinuance of these observations which were throwing much light on the meteorology of the central Assam valley is much to be regretted, more especially as the difficulties in the way of securing accurate and continuous records by means of volunteer observers, to which the Meteorological Reporter refers, had in this case been successfully surmounted. The Dehra Forest School Observatory was closed during the year at the instance of the Forest Department, as the observations recorded here were the same in kind and extent as are recorded in the neighbouring observatory attached to the Survey of India Office.

2. Observations were received from Teheran and Ispahan, and temperature and wind observations from seven stations on the Persian section of the Indo-European Telegraph line. The Government of India are much indebted to the Directors of the Indo-European Telegraph line for the telegrams transmitted free of cost from Bushire, Jask, Ispahan and Teheran which were of great use in forecasting the approach of cold weather storms from Persia to Northern India, and to the Directors of the various sections of the line for the assistance afforded by them throughout the year. Daily weather telegrams were received as in previous years from Trincomalee and Colombo.

3. Owing to circumstances that were unavoidable the quantity of inspection performed by the officers of the Department during the year was considerably smaller than in 1896-97. The work of the observers was in most instances found to be satisfactory.

4. The prevalence of cloud during the cold weather months prevented any considerable amount of actinometric work being carried out during the year.

5. Owing chiefly to the comparative absence of stormy weather during the year, the number of special observations of storms was slightly smaller than in the preceding five years. Special observations of thunderstorms and of lightning were taken at ten stations during the year and special hot wind observations at twelve stations on the 17th April 1897.

6. Serial observations of the meteorological phenomena accompanying the occurrence of the total solar eclipse of the 22nd January 1898 were taken by one hundred and fifty-eight observers. Full instructions were issued by the Meteorological Reporter and appear to have been carefully and intelligently carried out by the observers. The results have been tabulated and reduced, and it is proposed to publish them *in extenso* during the present year.

7. The great majority of the reports of earthquake shocks received during the year gave details of the earthquake shocks of the 12th June 1897. It is hoped to give in future a brief statement in the monthly reviews of the earthquakes of the month as reported by the departmental observers. Proposals have been made by the Seismological Committee of the British Association for the establishment in India and its dependencies of stations for recording of earthquake movements and disturbances. The Government of India have agreed to take part in these important investigations and have made arrangements for the establishment of two seismological observatories (in addition to one already arranged for by the Government of Madras) at Alipore and Colaba. The necessary instruments have been obtained from Europe and will shortly be erected and brought into regular use. The Kashmir State has expressed a wish to join in these observations.

8. The new system of cloud observations and nomenclature which was noticed in the review of the report for 1896-97, was introduced from the 1st January 1898, and observers have apparently experienced no difficulty in adopting it. Observations with photogrammeters for obtaining observations from which the average height and the rate and direction of motion of the various kinds of clouds may be estimated were taken during the year at Calcutta and Allahabad. The results of the first series of observations taken at the former station are interesting and encouraging.

9. The work of marine meteorology was carried out during the past year on the same lines as heretofore. The extracts from ships' logs received amounted to 2,297, and 10,099 barometric comparisons were made. The Port Officer at Rangoon has arranged to collect data from the steamers of the Bibby Line, trading between London and Rangoon, and six logs were received from him during the year.

10. Fairly complete and satisfactory information of the amount, distribution and time of occurrence of the snowfall in the Himalayan and Afghán mountain areas was received, aud was useful in determining the probable effect of the cold weather snowfall in modifying the distribution of the south-west monsoon rainfall of 1898. The acknowledgments of the Government of India are due to the gentlemen who contributed information.

11. No change was made in the system of rainfall registration during the past year. Forty-nine rain-gauge stations were established and thirteen abolished. During the last five years there has been a decided improvement in the work of registration, and the rainfall data are now fairly reliable. The reports of the controlling officers, however, continue to show that in more than one province work of inspection is very imperfectly carried out and that in many cases the exposure of the rain-gauges, and the registration of the rainfall by observers leave much to be desired. A satisfactory amount of inspection was carried out in Madras, Berar, Bombay, Assam, Burma and the North-Western Provinces and Oudh. The rainfall registration in the Central Provinces was fairly satisfactory, and steps are being taken for its further improvement. In Bengal the inspection was inadequate, and the Government of India desire to draw attention to the necessity for the more frequent and careful inspection of rain-gauges in that province.

12. The forecast of the probable character of the rainfall during the south-west monsoon of 1897 was published as in former years. It was in fair agreement with facts, and the anticipation based on the probability of the cycle terminating during the year was fully verified. The forecast of the winter rains agreed generally with actual conditions in five provinces.

13. A uniform system of storm signals for the whole of the Indian coast was framed by a Committee consisting of the Meteorological Reporter, the Director of the Indian Marine and the Port Officer, Bombay, and was introduced from the 1st April 1898, and steps have been taken to improve the arrangements for giving warning of storms to the coast ports. Endeavours have been made to obtain the intelligent co-operation of the observers at the coast stations in sending special warning telegrams at any time of the day when the weather is indicative of the approach of cyclonic storms, and the necessary instructions have been issued to such observers. Flood warnings were issued as in previous years to district officers and to officers in the irrigation and other branches of the Public Works Department. A large number of weather telegrams forecasting the weather for forty-eight hours were sent to the expeditions engaged on the North-West Frontier during the year, and the Government of India have received with satisfaction the testimony of officers commanding in the field as to their general accuracy and utility. Weather forecasts were also supplied to indigo planters in Behar, and their value was generally recognised.

14. A new edition of the hand-book of cyclonic storms in the Bay of Bengal will be shortly prepared bringing the work up to date, and embodying the additional information and data relating to storms in the Bay collected since the publication of the work in 1887. A Popular Sailing Directory of the Indian seas has been prepared, and arrangements are being made for its publication. The Meteorological Reporter hopes to publish during the year a discussion of the Trevandrum observations, which have already been published in two volumes.

15. The Meteorological Department received valuable assistance in its work from the Survey, Telegraph and Postal Departnents. The Telegraph Department continued to assist the Department in the rapid transmission of storm and flood-warning telegrams during the year, and by permission of the Postal Department meteorological observatories have been established in connection with combined Postal and Telegraph offices at fifteen stations.

16. It only remains for the Government of India to acknowledge the excellence of the work of the Department during the year, the indefatigable supervision of the Meteorological Reporter over all branches of the work and the value of his labours as well as

those of his Assistants and the Provincial Reporters. Thanks are also due to all those who, though not members of the Department, have assisted in the work.

ORDER.—Ordered that the foregoing Resolution be forwarded to the several Departments of the Government of India, to Local Governments and Administrations, to the Director-General, Indian Medical Service, to the Surveyor-General of India, and to the Meteorological Reporter to the Government of India.

Ordered also that it be published in the Supplement to the *Gazette of India*.

[True Extract.]

T. W. HOLDERNESS,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 29, 1898.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 24TH, 1898.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 19th December, 1898.

No. 971.—Mr. A. W. Stogdon has been permitted to resign Her Majesty's Indian Civil Service, with effect from the 31st October, 1898.

The 20th December, 1898.

No. 976.—Mr. J. Frizelle is permitted to resign Her Majesty's Indian Civil Service, with effect from the 20th December, 1898.

MEDICAL.

The 20th December, 1898.

No. 1747.—The services of the undermentioned officers are placed permanently at the disposal of the Government of the Punjab, with effect from the dates mentioned against their names :—

Major H. M. Morris, I. M. S. (Bengal), 26th March, 1898.

Captain A. W. T. Buist, M.B.C.M., I.M.S. (Bengal), 30th November, 1898.

JUDICIAL.

The 20th December, 1898.

No. 1467.—Under the provisions of Section 4 of the Punjab Courts Act, 1884, as amended by Act XIX of 1895, the Governor-General in Council is pleased to make the following appointments consequent on the retirement from the service, with effect from the 31st October, 1898, of Mr. A. W. Stogdon, Judge of the Chief Court, Punjab :—

Mr. W. O. Clark, I.C.S., first temporary Additional Judge of the Chief Court, Punjab, to be a Judge of that Court.

Mr. T. G. Walker, I.C.S., second temporary Additional Judge of the Chief Court, Punjab, to be first temporary Additional Judge of that Court.

Mr. J. A. Anderson, I.C.S., to be second temporary Additional Judge of the Chief Court.

No. 1468.—Under the provisions of Section 4 of the Punjab Courts Act, 1884, as amended by Act XIX of 1895, the Governor-General in Council is pleased to make the following appointments consequent on the retirement from the service, with effect from the 20th instant, of Mr. J. Frizelle, the Chief Judge of the Chief Court, Punjab :—

Mr. W. O. Clark, I.C.S., one of the Judges of the Chief Court, Punjab, to be the Chief Judge of that Court.

Mr. T. G. Walker, I.C.S., first temporary Additional Judge of the Chief Court, Punjab, to be a Judge of that Court.

Mr. J. A. Anderson, I.C.S., second temporary Additional Judge of the Chief Court, Punjab, to be first temporary Additional Judge of that Court, until further orders.

Mr. F. A. Robertson, I.C.S., Divisional Judge of Umballa, to be second temporary Additional Judge of the Chief Court, until further orders.

The 21st December, 1898.

No. 1481.—In exercise of the power conferred by Section 4, sub-section (3), of the Petroleum Act, 1886 (XII of 1886), as amended by Section 3 of the Petroleum Act, 1898 (VII of 1898), the Governor-General in Council is pleased to direct that the following addition shall be made to the schedule to the said Petroleum Act, 1886 :—

"*IV.—Directions for determining the flashing point of petroleum which is not fluid at ordinary temperatures.*

1. *Nature of the test apparatus.*—The instrument employed is the Abel-Pensky petroleum testing apparatus, fitted with an additional thermometer to indicate the temperature of the oil in close proximity to the walls of the cup. This thermometer has a cylindrical bulb, $\frac{7}{8}$ inch in length and $\frac{3}{16}$ inch in diameter. It is scaled from 45° to 165° Fahrenheit, ten degrees on the scale occupying $\frac{3}{8}$ inch. The thermometer is held vertically in a socket attached to the cover of the oil cup in such a position that the bulb is $\frac{1}{10}$ inch from the side of the cup.

(The thermometer can be removed and the orifice which is provided for it closed by means of an india-rubber plug, if the apparatus is required for testing petroleum in the ordinary way.)

2. *Directions for preparing the sample for testing.*—About ten fluid ounces of the oil are placed in a pint flask, the mouth of which in then closed with an india-rubber stopper, and the sample is liquefied by placing the flask on a water bath, the temperature of which is only raised sufficiently high to liquefy the oil.

3. *Directions for preparing and using the test apparatus.*—The water bath and test lamp are to be prepared in the manner prescribed in Part III of this Schedule. The oil cup is to be filled with the liquefied oil, and the cover (into which both thermometers are to be previously inserted) placed on it, care being taken that the bulb of the additional thermometer is not brought into contact with the bracket gauge fixed inside the cup. The oil cup is then to be placed in a refrigerator, or plunged up to the projecting collar in water maintained at a sufficiently low temperature, until both thermometers indicate the temperature at which the testing of petroleum is directed in Part III of this Schedule to be commenced. The oil cup is then to be removed, wiped dry, placed in the water bath and the testing effected in the manner prescribed in Part III of this Schedule, the temperature indicated by the additional (vertical) thermometer *alone* being noted, and the average of three determinations, duly corrected for atmospheric pressure, being recorded as the flashing point of the sample, provided that no greater difference than 4° Fahrenheit exists between any two of such results."

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

PRACTICAL ARTS AND MUSEUMS.

Calcutta, the 23rd December, 1898.

No. 3495—23-21.—The names of the Governors appointed to represent India on the Governing body of the Imperial Institute during the year ending 23rd July 1899 are published for general information :

(1) *On behalf of the Government of India—*

Sir E. C. Buck, KT., K.C.S.I.
Sir C. J. Lyall, K.C.S.I.
Colonel A. W. Baird, R.E., C.S.I.

(2) *On behalf of Local Governments and Native States—*

Bombay	Sir Raymond West, K.C.I.E.
Bengal	Sir Charles A. Elliott, K.C.S.I.
North-Western Provinces and Oudh...	W. C. Benett, Esquire.
Punjab	W. Coldstream, Esquire.
Burma	Lieutenant-Colonel C. B. Cooke.
Native States	Colonel W. F. Prideaux, C.S.I.

(3) *On behalf of Indian Chambers of Commerce—*

Calcutta	Sir Alexander Wilson, KT.
Bombay	Sir Frank Forbes Adam, K.C.I.E.
Karachi	W. B. Jameson, Esquire.
Cawnpore	W. G. Bevis, Esquire.

(4). *On behalf of Indian Institutions—*

Bombay ...	Gujarat Vernacular Society ...	Sir James B. Peile, K.C.S.I.
Central Provinces	Lokha Sabha of Nagpore ...	J. M. Neill, Esq.

T. W. HOLDERNESS,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 23rd December, 1898.

No. 3361-*I. A.*—In exercise of the powers conferred by Section 11 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), the Governor-General in Council is pleased to declare that a Political Agent may issue a warrant for the arrest and surrender of any person accused of having done in any State against the law of such State an act which would, if done in any part of British India where the Criminal Tribes Act, 1871 (XXVII of 1871), is for the time being in force, have constituted an offence against any of the provisions of the latter Act.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Calcutta, the 19th December, 1898.

No. 5584.—In exercise of the power conferred by Section 23 of the Sea Customs Act, VIII of 1878, the Governor-General in Council is pleased to exempt "Singally and sozille" from the import duty leviable thereon under the Indian Tariff Act, VIII of 1894, as amended by Acts XVI of 1894 and III of 1896.

W. S. MEYER,

Offg. Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 19th December, 1898.

No. 42.—No. 187, first grade Civil Hospital Assistant Shahzaman Khan, attached to the Staff Dispensary, Simla, is granted privilege leave for one month and fifteen days, with effect from 29th November, 1898.

J. T. W. LESLIE, *M. B., Major, I.M.S.,*

for *Offg. Director-General, Indian Medical Service.*

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 3, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1898, and is hereby promulgated for general information :—

ACT NO. I OF 1898.

An Act to amend the Stage-Carriages Act, 1861.

1861. WHEREAS it is expedient to amend the Stage-Carriages Act, 1861; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Stage-Carriages Act (1861) Amendment Act, 1898.

1861. Repeal of proviso to 1876. section 1, Act XVI, 1861, and of section 2, Act XVI, 1876.

2. The proviso to section 1 of the Stage-Carriages Act, 1861, and section 2 of the Stage-Carriages Act (1861) Amendment Act, 1876, are hereby repealed.

1861. Substitution of new paragraph in section 4, Act XVI, 1861.

3. The first paragraph of section 4 of the Stage-Carriages Act, 1861, is hereby repealed, and the following paragraph is substituted therefor, namely :—

"For every such license there shall be paid by the proprietor of the stage-carriage the sum of five rupees or such less sum as the Local Government may fix, and such license shall be in force for one year from the date thereof."

Addition of new section after section 20, Act XVI, 1861.

4. After section 20 of the said Act the following section shall be added, namely :—

Power to make rules.

"20A. (*1*) The Local Government may, by notification in the official Gazette, make rules to carry out the purposes and objects of this Act in the territories under its administration or any part of the said territories.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe forms for licenses under this Act, the sums payable for the same and the conditions on which they may be granted, and the cases in which they may be revoked ;

(*b*) provide for the inspection of stage-carriages, and of the animals employed in drawing them ; and

(*c*) regulate the number and length of the stages for which animals may be driven in stage-carriages, and the manner in which they shall be harnessed and yoked.

(*3*) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees."

Addition of sections after section 21, Act XVI, 1861.

5. After section 21 of the said Act the following sections shall be added, namely :—

Extent of Act.

"22. This Act, as amended by subsequent Acts, extends to the whole of British India; but it shall not apply to carriages ordinarily plying for hire within the limits of any municipality or cantonment or other place in which any law for the regulation of carriages is for the time being in force.

Power to Local Government to exempt.

23. The Local Government may, by notification in the official Gazette, exempt any carriages or class of carriages from all or any of the provisions of this Act."

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1898, and is hereby promulgated for general information :—

ACT NO. II OF 1898.

An Act to provide for the issue of currency notes on the security of gold received in England.

WHEREAS it is expedient to provide for the issue of currency notes on the security of gold received in England; It is hereby enacted as follows :—

Short title, commencement and duration.

1. (*1*) This Act may be called the Indian Paper Currency Act, 1898.

(*2*) It shall come into force at once ; and

(*3*) It shall remain in force for six months from its commencement, and no longer.

1882. Addition of new section after section 13, Act XX of 1882.

2. After section 13 of the Indian Paper Currency Act, 1882, the following section shall be added, namely :—

Issue of notes against gold received in England.

"13A. The Governor General in Council may, from time to time, by an order notified in the Gazette of India, direct that currency notes shall be issued at such offices of issue as are named in the order to an amount equal to the value of gold held by the Secretary of State for India at the rate, and subject to the conditions, fixed by that order :

Provided that—

(*1*) the power conferred by this section shall not be exercised unless the Secretary of State for India shall consent to hold in gold coin or gold bullion what he shall determine to be equivalent in value to the notes so issued, as a reserve to secure the payment of such notes, until he shall transmit the same, or what he shall determine to be equivalent to the same, in gold coin or gold bullion to India, or until the Government of India shall appropriate and set apart in India, as a part of the currency reserve under section 19, an amount of coin of the Government of India equal in value to such notes ;

(*2*) gold coin or gold bullion so remitted shall be deemed to be received, within the meaning of section 19, when it is received in India by the Governor General in Council ; and

(*3*) gold coin or gold bullion so retained shall, until its arrival in India, be distinguished from other gold coin or gold bullion in the abstract account published under section 27."

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 17, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th February, 1898, and is hereby promulgated for general information :—

ACT NO. III OF 1898.

An Act to provide for the segregation and medical treatment of pauper lepers and the control of lepers following certain callings.

WHEREAS it is expedient to provide for the segregation and medical treatment of pauper lepers and the control of lepers following certain callings; It is hereby enacted as follows:—

Title, extent and commencement.

1. (1) This Act may be called the Lepers Act, 1898.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti ; but

(3) It shall not come into force in any part thereof until the Local Government, as hereinafter provided, has declared it applicable thereto.

(4) The Local Government may, by notification in the official Gazette, apply this Act or any part thereof to the whole or any portion of the territories for the time being under its administration, and may in like manner amend or cancel any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "leper" means any person suffering from any variety of leprosy in whom the process of ulceration has commenced ;

(2) "pauper leper" means a leper—

(a) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(b) who is at large without any ostensible means of subsistence ;

(3) "leper asylum" means a leper asylum appointed under section 3 ;

(4) "Board" means a Board constituted under section 5 ; and

(5) "District Magistrate" includes a Chief Presidency Magistrate.

Appointment of leper asylums by Local Government.

3. The Local Government may, by notification in the official Gazette, appoint any place to be a leper asylum for the purposes of this Act and specify the local areas from which lepers may be sent to such asylum, and may, in like manner, alter or cancel any such notification.

Appointment of Inspectors of Lepers and Superintendents of Asylums.

4. Subject to any rules which may be made under section 16, the Local Government may appoint any Medical Officer of the Government or other qualified Medical man to be an Inspector of Lepers and any person to be a Superintendent of a Leper Asylum, with such establishment as may, in its opinion, be necessary, and every Inspector or Superintendent so appointed shall be deemed to be a public servant.

Constitution of Board.

5. The Local Government shall constitute for every leper asylum appointed under section 3 a Board consisting of not less than three members, one of whom at least shall be a Medical Officer of the Government

Arrest of pauper lepers.

6. (*1*) Within any local area which has been specified under section 3 any police-officer may arrest without a warrant any person who appears to him to be a pauper leper.

(*2*) Such police-officer shall forthwith take or send the person so arrested to the nearest convenient police-station.

Person arrested how to be dealt with.

7. Every person brought to a police-station under the last foregoing section shall, without unnecessary delay, be taken before an Inspector of Lepers, who,—

(*a*) if he finds that such person is not a leper within the meaning of section 2, shall give him a certificate in Form A set forth in the schedule, whereupon such person shall be forthwith released from arrest;

(*b*) if he finds that such person is a leper within the meaning of section 2, shall give to the police officer, in whose custody the leper is, a certificate in Form B set forth in the schedule, whereupon the leper shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Act.

Procedure with regard to pauper lepers.

8. (*1*) If it appears to any Presidency Magistrate or Magistrate of the first class or to any other Magistrate authorised in this behalf by the Local Government, upon the certificate in Form B set forth in the schedule, that any person is a leper, and if it further appears to the Magistrate that the person is a pauper leper, he may, after recording the evidence on the above-mentioned points, and his order thereon, send the pauper leper in charge of a police-officer, together with an order in Form C set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board or the District Magistrate:

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Inspector of Lepers, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leper, and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail:

Provided also that if any friend or relative of any person found to be a pauper leper shall undertake in writing to the satisfaction of the Magistrate that such pauper leper shall be properly taken care of and shall be prevented from publicly begging in any area specified under section 3, the Magistrate, instead of sending the leper to an asylum, may make the leper over to the care of such friend or relative, requiring him, if he thinks fit, to enter into a bond with one or more sureties, to which the provisions of section 514 of the Code of Criminal Procedure shall be applicable.

X of 1882.

(*2*) If the Magistrate finds that such person is not a leper, or that, if a leper, he is not a pauper leper, he shall forthwith discharge him.

Power to prohibit lepers from following certain trades and doing certain acts.

9. (*1*) The Local Government may, by notification in the official Gazette, order that no leper shall, within any area specified under section 3,—

(*a*) personally prepare for sale or sell any article of food or drink or any drugs or clothing intended for human use; or

(*b*) bathe, wash clothes or take water from any public well or tank debarred by any municipal or local bye-law from use by lepers; or

(*c*) drive, conduct or ride in any public carriage plying for hire other than a railway carriage; or

(*d*) exercise any trade or calling which may by such notification be prohibited to lepers.

(*2*) Any such notification may comprise all or any of the above prohibitions.

(*3*) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with fine which may extend to twenty rupees:

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnishes a certificate, in Form B set forth in the schedule, in respect of such person.

Conviction after previous conviction.

10. (*1*) Whenever any leper who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate may, in addition to, or in lieu of, any punishment to which such leper may be liable, require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area specified under section 3 in which he is, and not to enter that or any other local area so specified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(*2*) If any such leper fails to furnish any security required under sub section (*1*), the Magistrate may send him in charge of a police-officer, with an order in Form D set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board or the District Magistrate.

(*3*) The powers conferred by this section shall only be exercised by a Presidency Magistrate or Magistrate of the first class.

Penalty on person employing lepers in prohibited trade.

11. Any person who, within any area specified under section 3 knowingly employs a leper in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to fifty rupees:

Provided that the alleged leper shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule in respect of such alleged leper.

Re-arrest of escaped lepers.

12. Whoever, having been sent to a leper asylum under an order of a Magistrate in Form C or Form D set forth in the schedule, escapes from, or leaves, the asylum without the permission in writing of the Superintendent thereof, may be arrested by any police-officer without a warrant, and upon arrest shall be forthwith taken back to the leper asylum.

Inspection by Board.

13. Two or more members of the Board, one of whom shall be the Medical Officer, shall, once at least in every three months, together inspect the leper asylum for which they are constituted, and see and examine (*a*) every leper therein admitted since the last inspection, together with the order for his admission, and (*b*), as far as circumstances will permit, every other leper therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the lepers therein.

Order of discharge by Board.

14. Any two members of the Board, one of whom shall be the Medical Officer, may at any time, by an order in writing in Form E set forth in the schedule and signed by them, direct the discharge from the leper asylum of any leper detained therein under the provisions of this Act.

Appeals.

15. Any person, other than a pauper leper, in respect of whom an Inspector of Lepers has issued a certificate, in Form B set forth in the schedule, declaring him to be a leper, or has refused to issue a certificate in Form A set forth in the schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the Local Government in this behalf, and the decision of such officer shall be final.

Power of the Local Government to make rules.

16. The Local Government may, by notification in the official Gazette, make rules generally for carrying out the purposes of this Act, and in particular—

(*a*) for the guidance of all or any of the officers discharging any duty under this Act; and

(*b*) for the management of, and the maintenance of discipline in, a leper asylum.

Power to local authorities to expend funds and appropriate property to asylums.

17. Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may—

(*a*) establish or maintain, or establish and maintain, or contribute towards the cost of the establishment or maintenance or the establishment and maintenance of, a leper asylum either within or without the local limits of such local authority;

(*b*) with the previous sanction of the Local Government and subject to such conditions as that Government may prescribe, appropriate any immoveable property vested in or under the control of, such body, as a site for, or for use as, a leper asylum.

Protection to persons acting *bonâ fide* under Act.

18. No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of, the provisions of this Act.

Power to Lieutenant-Governor of Bengal to notify cessation of Bengal Act V of 1895 in certain areas.

19. When any part of this Act has been applied under sub-section (*4*) of section 1 to the whole or any portion of the territories administered by the Lieutenant-Governor of Bengal, the Lieutenant-Governor may, by notification in the official Gazette, direct that the whole or any part of the Lepers Act, 1895, shall, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced, cease to have effect in the portion of the said territories to which this Act has been so applied. Beng. Act V of 1895.

SCHEDULE.

A.—CERTIFICATE.

(*Section 7.*)

I, THE undersigned (*here enter name and official designation*), hereby certify that I on the day of at personally examined (*here enter name of person examined*) and that the said is not a leper as defined by the Lepers Act, 1898.

Given under my hand this day of 189 .

(*Signature.*)

Inspector of Lepers.

B.—CERTIFICATE.

(*Section 7.*)

I, THE undersigned (*here enter name and official designation*), hereby certify that I on the day of at personally examined (*here enter name of leper*), and that the said is a leper as defined by the Lepers Act, 1898, and that I have formed this opinion on the following grounds, namely,—

(*Here state the grounds.*)

Given under my hand this day of 189 .

(*Signature.*)

Inspector of Lepers.

C.—WARRANT OF DETENTION.

(*Section 8.*)

TO

THE SUPERINTENDENT OF THE

LEPER ASYLUM AT

WHEREAS it has been made to appear to

me that (*name and description*) is a pauper leper as defined in the Lepers Act, 1898 :

This is to authorise you, the said Superintendent, to receive the said into your custody together with this order and him/her safely to keep in the said asylum until he/she shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of 189 .

Seal.

(*Signature*)

Magistrate.

D.—WARRANT OF DETENTION.

(*Section 10.*)

To

THE SUPERINTENDENT OF THE

LEPER ASYLUM AT .

WHEREAS (*name and description*) has this day been convicted by me of an offence punishable under section 9 of the Lepers Act, 1898, and whereas it has been proved before me that the said (*name and description*) was previously convicted of an offence punishable under the same section :

This is to authorise you, the said Superintendent, to receive the said into your custody together with this order and him/her safely to keep in the said asylum until he/she shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of 189 .

S al.

(*Signature.*)

Magistrate.

E.—ORDER OF DISCHARGE BY BOARD*

(*Section 14*)

To

THE SUPERINTENDENT OF THE

LEPER ASYLUM AT .

WHEREAS (*name and description*) was committed to your custody under an order dated the day of 189 and there have appeared to us sufficient grounds for the opinion that he/she can be released without hazard or inconvenience to the community :

This is to authorise and require you forthwith to discharge the said (*name*) from your custody.

Given under our hands this day of 189 .

(*Signatures.*)

Members of the Asylum Board.

* A corresponding form may be used by the District Magistrate for orders of discharge issued under section 10 (2).

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 3, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th February 1898, and is hereby promulgated for general information :—

ACT NO. IV OF 1898.

An Act to amend the Indian Penal Code.

WHEREAS it is expedient to amend the Indian Penal Code ; It is hereby enacted as follows :—

of 1860. Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code Amendment Act, 1898 ; and

(*2*) It shall come into force at once.

of 1860. Substitution of new section for section 4, Act XLV, 1860.

2. Section 4 of the Indian Penal Code is hereby repealed, and the following section is substituted therefor, namely :—

Extension of Code to extra-territorial offences.

" 4. The provisions of this Code apply also to any offence committed by—

(*1*) any Native Indian subject of Her Majesty in any place without and beyond British India ;

(*2*) any other British subject within the territories of any Native Prince or Chief in India ;

(*3*) any servant of the Queen, whether a British subject or not, within the territories of any Native Prince or Chief in India.

Explanation.—In this section the word 'offence' includes every act committed outside British India which, if committed in British India, would be punishable under this Code.

Illustrations.

(*a*) A, a coolie, who is a Native Indian subject, commits a murder in Uganda. He can be tried and convicted of murder in any place in British India in which he may be found.

(*b*) B, a European British subject, commits a murder in Kashmir. He can be tried and convicted of murder in any place in British India in which he may be found.

(*c*) C, a foreigner who is in the service of the Punjab Government, commits a murder in Jhind. He can be tried and convicted of murder at any place in British India in which he may be found.

(*d*) D, a British subject living in Indore, instigates E to commit a murder in Bombay. D is guilty of abetting murder."

Abetment in British India of offences outside it.

3. After section 108 of the Indian Penal Code the following section shall be added, namely :— XLV of 1860.

Abetment in British India of offences outside it.

" 108A. A person abets an offence within the meaning of this Code who, in British India, abets the commission of any act without and beyond British India which would constitute an offence if committed in British India.

Illustration.

A, in British India, instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder."

Substitution of new section for section 124A, Act XLV, 1860.

4. Section 124A of the Indian Penal Code is hereby repealed, and the following section is substituted therefor, namely :— XLV of 1860.

Sedition.

" 124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or

otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, Her Majesty or the Government established by law in British India, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation 1.—The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence under this section."

XLV of 1860 5. After section 153 of the Indian Penal Code the following section shall be inserted, namely:—

Addition of new section after section 153, Act XLV, 1860.

"153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of Her Majesty's subjects shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Promoting enmity between classes.

"*Explanation.*—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of Her Majesty's subjects."

6. Section 505 of the Indian Penal Code is hereby repealed and the following section is substituted therefor, namely:— XLV of 1860.

Substitution of new section for section 505, Act XLV, 1860.

"505. Whoever makes, publishes or circulates any statement, rumour or report,—

Statements conducing to public mischief.

(*a*) with intent to cause, or which is likely to cause, any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service Troops to mutiny or otherwise disregard or fail in his duty as such; or

(*b*) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(*c*) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Exception.—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid."

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 7, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March, 1898, and is hereby promulgated for general information :—

ACT NO. V OF 1898.

THE CRIMINAL PROCEDURE CODE, 1898.

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The Code of Criminal Procedure, 1898.

(Part I.—Preliminary. Chapter I.—Sections 1-4.)

An Act to consolidate and amend the law relating to Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title. Commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure, 1898; and it shall come into force on the first day of July, 1898.

Extent.

(*2*) It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force, or shall apply to—

(*a*) the Commissioners of Police in the towns of Calcutta, Madras and Bombay, or the police in the towns of Calcutta and Bombay;

(*b*) heads of villages in the Presidency of Fort St. George; or

(*c*) village police-officers in the Presidency of Bombay:

Provided that the Local Government may, if it thinks fit, with the sanction of the Governor General in Council, by notification in the official Gazette, extend any of the provisions of this Code, with any necessary modifications, to such excepted persons.

Repeal of enactments.

2. (*1*) On and from the first day of July, 1898, the enactments mentioned in the first schedule shall be repealed to the extent specified in the fourth column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Notifications, etc., under repealed Acts.

(*2*) All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of July, 1898, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding section of this Code.

Pending cases.

(*3*) The provisions of this Code shall apply to all proceedings instituted after the commencement of this Code, and, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

References to Code of Criminal Procedure and other repealed enactments.

3. (*1*) In every enactment passed before this Code comes into force, in which reference is made to, or to any Chapter or section of, the Code of Criminal Procedure, Act XXV of 1861 or Act X of 1872, or Act X of 1882, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding Chapter or section.

Expressions in former Acts.

(*2*) In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class" and "Magistrate of the third class," the expression "Magistrate of a division of a district" shall be deemed to mean "Subdivisional Magistrate," the expression "Magistrate of the district" shall be deemed to mean "District Magistrate," the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate," and the expression "Joint Sessions Judge" shall mean "Additional Sessions Judge."

Definitions.

4. (*1*) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Advocate General."

(*a*) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or

The Code of Criminal Procedure, 1898.

(Part I.—Preliminary. Chapter I.—Section 4.)

Government Advocate, such officer as the Local Government may, from time to time, appoint in this behalf:

"Bailable offence." "Non-bailable offence."

(*b*) "bailable offence" means an offence shewn as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Charge."

(*c*) "charge" includes any head of charge when the charge contains more heads than one:

"Chief Justice."

(*d*) "Chief Justice" includes also the Chief Judge of the Chief Court of the Punjab and the Recorder of Rangoon:

"Clerk of the Crown."

(*e*) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

"Cognizable offence." "Cognizable case."

(*f*) "cognizable offence" means an offence for, and "cognizable case" means a case in, which a police-officer, within or without the presidency-towns, may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Commissioner of Police."

(*g*) "Commissioner of Police" includes a Deputy Commissioner of Police:

"Complaint."

(*h*) "complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action, under this Code, that some person, whether known or unknown, has committed an offence, but it does not include the report of a police-officer:

"European British subject."

(*i*) "European British subject" means—

(*i*) any subject of Her Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(*ii*) any child or grand-child of any such person by legitimate descent:

"High Court."

(*j*) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Punjab and the Court of the Recorder of Rangoon:

in other cases "High Court" means the highest Court of criminal appeal or revision for any local area; or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may appoint in this behalf:

"Inquiry."

(*k*) "inquiry" includes every inquiry other than a trial conducted under this Code by a Magistrate or Court:

"Investigation."

(*l*) "investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police-officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf:

"Judicial proceeding."

(*m*) "judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath:

"Non-cognizable offence." "Non-cognizable case."

(*n*) "non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a police-officer, within or without a presidency-town, may not arrest without warrant:

"Offence."

(*o*) "offence" means any act or omission made punishable by any law for the time being in force;

it also includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871: I of 1871.

"Officer in charge of a police-station."

(*p*) "officer in charge of a police-station" includes, when the officer in charge of the police-station is absent

The Code of Criminal Procedure, 1898.

(Part I.—Preliminary. Chapter I.—Sections 4-5. Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter II.—Of the Constitution of Criminal Courts and Offices.—Sections 6-7.)

from the station-house or unable from illness or other cause to perform his duties, the police-officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the Local Government so directs, any other police-officer so present:

(*q*) "place" includes also a house, building, tent and vessel:

"Place."

(*r*) "pleader," used with reference to any proceeding in any Court, means a pleader authorised under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakil and an attorney of a High Court so authorised, and (2) any mukhtar or other person appointed with the permission of the Court to act in such proceeding:

"Pleader."

(*s*) "police-station" means any post or place declared, generally or specially, by the Local Government to be a police-station, and includes any local area specified by the Local Government in this behalf:

"Police-station."

(*t*) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

"Public Prosecutor."

(*u*) "subdivision" means a subdivision of a district:

"Subdivision."

(*v*) "summons-case" means a case relating to an offence, and not being a warrant-case: and

"Summons-case."

(*w*) "warrant-case" means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months.

"Warrant-case."

(*2*) Words which refer to acts done, extend also to illegal omissions; and

Words referring to acts.

all words and expressions used herein and defined in the Indian Penal Code, and not herein-before defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Words to have same meaning as in Indian Penal Code. [XLV] of 1860.

5. (*1*) All offences under the Indian Penal Code shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained.

Trial of offences under Penal Code. XLV of 1860.

(*2*) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

Trial of offences against other laws.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely:—

Classes of Criminal Courts.

I.—Courts of Session:

II.—Presidency Magistrates:

III.—Magistrates of the first class:

IV.—Magistrates of the second class:

V.—Magistrates of the third class.

B.—Territorial Divisions.

7. (*1*) Every province (excluding the presidency-towns) shall be a sessions division, or shall consist of sessions divisions: and every sessions division shall, for the purposes of this Code, be a district or consist of districts.

Sessions divisions and districts.

(*2*) The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such divisions and districts.

Power to alter divisions and districts.

(*3*) The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.

Existing divisions and districts maintained till altered.

(*4*) Every presidency-town shall, for the purposes of this Code, be deemed to be a district.

Presidency-towns to be demand districts.

The Code of Criminal Procedure, 1898.

(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter II.—Of the Constitution of Criminal Courts and Offices.—Sections 8-15.)

Power to divide districts into subdivisions.

8. (*1*) The Local Government may divide any district outside the presidency-towns into subdivisions, or make any portion of any such district a subdivision, and may alter the limits of any subdivision.

Existing subdivisions maintained.

(*2*) All existing subdivisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the Presidency-towns.

Court of Session.

9. (*1*) The Local Government shall establish a Court of Session for every sessions division, and appoint a Judge of such Court.

(*2*) The Local Government may, by general or special order in the official Gazette, direct at what place or places the Court of Session shall hold its sitting; but, until such order be made, the Courts of Session shall hold their sittings as heretofore.

(*3*) The Local Government may also appoint Additional Sessions Judges, and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

(*4*) A Sessions Judge of one sessions division may be appointed by the Local Government to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the Local Government may direct.

(*5*) All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

District Magistrate.

10. (*1*) In every district outside the presidency-towns the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

(*2*) The Local Government may appoint any Magistrate of the first class to be an Additional District Magistrate for a period not exceeding six months, and such Additional District Magistrate shall have all or any of the powers of a District Magistrate under this Code as the Local Government may direct.

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the district, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. (*1*) The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any district outside the presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

(*2*) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district.

Power to put Magistrate in charge of subdivision.

13. (*1*) The Local Government may place any Magistrate of the first or second class in charge of a subdivision, and relieve him of the charge as occasion requires.

(*2*) Such Magistrates shall be called Subdivisional Magistrates.

Delegation of powers to District Magistrate.

(*3*) The Local Government may delegate its powers under this section to the District Magistrate.

Special Magistrates.

14. (*1*) The Local Government may confer upon any person all or any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the presidency-towns.

(*2*) Such Magistrates shall be called Special Magistrates, and shall be appointed for such term as the Local Government may by general or special order direct.

(*3*) With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by sub-section (*1*).

(*4*) No powers shall be conferred under this section on any police-officer below the grade of Assistant District Superintendent, and no powers shall be conferred on a police-officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Benches of Magistrates.

15. (*1*) The Local Government may direct any two or more Magistrates in any place outside the presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the

The Code of Criminal Procedure, 1898.

(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter II.—Of the Constitution of Criminal Courts and Offices.—Sections 16-21.)

powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Powers exerciseable by Bench in absence of special direction.

(2) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any district respecting the following subjects:—

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate;

17. (*1*) All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches; and

to Subdivisional Magistrate.

(*2*) Every Magistrate (other than a Subdivisional Magistrate) and every Bench exercising powers in a subdivision shall also be subordinate to the Subdivisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Assistant Sessions Judges to Sessions Judge.

(*3*) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

(*4*) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, by the District Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application.

(*5*) Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Appointment of Presidency Magistrates.

18. (*1*) The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the presidency-towns, and shall appoint one of such persons to be Chief Presidency Magistrate for each such town.

(*2*) The powers of a Presidency Magistrate under this Code shall be exercised by the Chief Presidency Magistrate, or by a salaried Presidency Magistrate, or by any other Presidency Magistrate empowered by the Local Government to sit singly, or by any Bench of Presidency Magistrates.

Benches.

19. Any two or more of such persons may (subject to the rules made by the Chief Presidency Magistrate under the power hereinafter conferred) sit together as a Bench.

Local limits of jurisdiction.

20. Every Presidency Magistrate shall exercise jurisdiction in all places within the presidency-town for which he is appointed, and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Chief Presidency Magistrate.

21. (*1*) Every Chief Presidency Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Presidency Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(*b*) the times and places at which Benches of Magistrates shall sit;

(*c*) the constitution of such Benches;

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session; and

The Code of Criminal Procedure, 1898.

(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter II.—Of the Constitution of Criminal Courts and Offices.—Sections 8-15.)

Power to divide districts into subdivisions.

8. (1) The Local Government may divide any district outside the presidency-towns into subdivisions, or make any portion of any such district a subdivision, and may alter the limits of any subdivision.

Existing subdivisions maintained.

(2) All existing subdivisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the Presidency-towns.

Court of Session.

9. (1) The Local Government shall establish a Court of Session for every sessions division, and appoint a Judge of such Court.

(2) The Local Government may, by general or special order in the official Gazette, direct at what place or places the Court of Session shall hold its sitting; but, until such order be made, the Courts of Session shall hold their sittings as heretofore.

(3) The Local Government may also appoint Additional Sessions Judges, and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

(4) A Sessions Judge of one sessions division may be appointed by the Local Government to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the Local Government may direct.

(5) All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

District Magistrate.

10. (1) In every district outside the presidency-towns the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

(2) The Local Government may appoint any Magistrate of the first class to be an Additional District Magistrate for a period not exceeding six months, and such Additional District Magistrate shall have all or any of the powers of a District Magistrate under this Code as the Local Government may direct.

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the district, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. (1) The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any district outside the presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district.

Power to put Magistrate in charge of subdivision.

13. (1) The Local Government may place any Magistrate of the first or second class in charge of a subdivision, and relieve him of the charge as occasion requires.

(2) Such Magistrates shall be called Subdivisional Magistrates.

Delegation of powers to District Magistrate.

(3) The Local Government may delegate its powers under this section to the District Magistrate.

Special Magistrates.

14. (1) The Local Government may confer upon any person all or any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the presidency-towns.

(2) Such Magistrates shall be called Special Magistrates, and shall be appointed for such term as the Local Government may by general or special order direct.

(3) With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by sub-section (1).

(4) No powers shall be conferred under this section on any police-officer below the grade of Assistant District Superintendent, and no powers shall be conferred on a police-officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Benches of Magistrates.

15. (1) The Local Government may direct any two or more Magistrates in any place outside the presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the

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(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter II.—Of the Constitution of Criminal Courts and Offices.—Sections 16-21.)

powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Powers exerciseable by Bench in absence of special direction.

(2) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any district respecting the following subjects:—

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate;

17. (*1*) All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches; and

to Subdivisional Magistrate.

(*2*) Every Magistrate (other than a Subdivisional Magistrate) and every Bench exercising powers in a subdivision shall also be subordinate to the Subdivisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Assistant Sessions Judges to Sessions Judge.

(*3*) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

(*4*) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, by the District Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application.

(*5*) Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Appointment of Presidency Magistrates.

18. (*1*) The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the presidency-towns, and shall appoint one of such persons to be Chief Presidency Magistrate for each such town.

(*2*) The powers of a Presidency Magistrate under this Code shall be exercised by the Chief Presidency Magistrate, or by a salaried Presidency Magistrate, or by any other Presidency Magistrate empowered by the Local Government to sit singly, or by any Bench of Presidency Magistrates.

Benches.

19. Any two or more of such persons may (subject to the rules made by the Chief Presidency Magistrate under the power hereinafter conferred) sit together as a Bench.

Local limits of jurisdiction.

20. Every Presidency Magistrate shall exercise jurisdiction in all places within the presidency-town for which he is appointed, and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Chief Presidency Magistrate.

21. (*1*) Every Chief Presidency Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Presidency Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(*b*) the times and places at which Benches of Magistrates shall sit;

(*c*) the constitution of such Benches;

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session; and

The Code of Criminal Procedure, 1898.

(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter II.—Of the Constitution of Criminal Courts and Offices.—Sections 22-27. Chapter III.—Powers of Courts.—Sections 28-29.)

(*e*) any other matter which could be dealt with by a District Magistrate under his general powers of control over the Magistrates subordinate to him.

(*2*) The Local Government may, for the purposes of this Code, declare what Presidency Magistrates are subordinate to the Chief Presidency Magistrate, and may define the extent of their subordination.

E.—Justices of the Peace.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the presidency-towns.

Justices of the Peace for the Mufassal.

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification.

23. The Local Government, so far as regards the towns of Calcutta, Madras and Bombay, may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom the Local Government thinks fit.

Justices of the Peace for the presidency-towns.

24. (*1*) Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the said towns.

Present Justices of the Peace.

(*2*) Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

25. In virtue of their respective offices, the Governor General, Governors, Lieutenant-Governors and Chief Commissioners, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the Recorder of Rangoon are Justices of the Peace within and for the whole of British India, Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the Local Government under which they are serving, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates

Ex officio Justices of the Peace.

F.—Suspension and Removal.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed from office by the Local Government:

Suspension and removal of Judges and Magistrates.

Provided that such Judges and Magistrates as now are liable to be suspended or removed from office by the Governor General in Council only shall not be suspended or removed from office by any other authority.

27. The Governor General in Council may suspend or remove from office any Justice of the Peace appointed by him, and the Local Government may suspend or remove from office any Justice of the Peace appointed by it.

Suspension and removal of Justices of the Peace.

CHAPTER III.

POWERS OF COURTS.

A.—Description of Offences cognizable by each Court.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried— XLV

Offences under Penal Code.

(*a*) by the High Court, or

(*b*) by the Court of Session, or

(*c*) by any other Court by which such offence is shown in the eighth column of the Second Schedule to be triable.

Illustration.

A is committed to the Sessions Court on a charge of culpable homicide. He may be convicted of voluntarily causing hurt, an offence triable by a Magistrate.

29. (*1*) Subject to the provisions of section 447, any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

Offences under other laws.

(*2*) When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code by which such offence is shewn in the eighth column of the second schedule to be triable.

The Code of Criminal Procedure, 1898.

(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter III.—Powers of Courts.—Sections 30-35.)

Offences not punishable with death.

30. In the territories respectively administered by the Lieutenant-Governors of the Punjab and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

Sentences which High Courts and Sessions Judges may pass.

31. (*1*) A High Court may pass any sentence authorised by law.

(*2*) A Sessions Judge or Additional Sessions Judge may pass any sentence authorised by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

(*3*) An Assistant Sessions Judge may pass any sentence authorised by law, except a sentence of death or of transportation for a term exceeding seven years, or of imprisonment for a term exceeding seven years.

Sentences which Magistrates may pass.

32. (*1*) The Courts of Magistrates may pass the following sentences, namely:—

(*a*) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorised by law; Fine not exceeding one thousand rupees; Whipping.
(*b*) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorised by law; Fine not exceeding two hundred rupees; Whipping (if specially empowered).
(*c*) Courts of Magistrates of the third class:	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

(*2*) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorised by law to pass.

(*3*) No Court of any Magistrate of the second class shall pass a sentence of whipping unless it is specially empowered in this behalf by the Local Government.

Power of Magistrates to sentence to imprisonment in default of fine.

33. (*1*) The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorised by law in case of such default:

Provided that—

(*a*) the term is not in excess of the Magistrate's powers under this Code:

Proviso as to certain cases.

(*b*) in any case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

(*2*) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Higher powers of certain District Magistrates.

34. The Court of a Magistrate, specially empowered under section 30, may pass any sentence authorised by law, except a sentence of death or of transportation for a term exceeding seven years or imprisonment for a term exceeding seven years.

Sentence in cases of conviction of several offences at one trial.

35. (*1*) When a person is convicted at one trial of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

The Code of Criminal Procedure, 1898.

(Part II.—Constitution and Powers of Criminal Courts and Offices. Chapter III.—Powers of Courts.—Sections 36-41.) Part III.—General Provisions. Chapter IV.—Of Aid and Information to the Magistrates, the Police and Persons making Arrests.—Section 42.)

(*2*) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided as follows:—

Maximum term of punishment.

(*a*) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years:

(*b*) if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

(*3*) For the purpose of appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

XLV of 1860 *Explanation.*—Separable offences which come within the provisions of section 71 of the Indian Penal Code are not distinct offences within the meaning of this section.

Illustration.

A breaks into a house with intent to commit theft and steals property therein. A has not committed distinct offences.

C.—Ordinary and Additional Powers.

Ordinary powers of Magistrates.

36. All District Magistrates, Subdivisional Magistrates and Magistrates of the first, second and third classes, have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers."

Additional powers conferrable on Magistrates.

37. In addition to his ordinary powers, any Subdivisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

Control of District Magistrate's investing power.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

D.—Conferment, Continuance and Cancellation of Powers.

Mode of conferring powers.

39. (*1*) In conferring powers under this Code, the Local Government may, by order, empower persons specially by name or in virtue of their office, or classes of officials generally by their official titles.

(*2*) Every such order shall take effect from the date on which it is communicated to the person so empowered.

Continuance of powers of officers transferred.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

Powers may be cancelled.

41. (*1*) The Local Government may withdraw all or any of the powers conferred under this Code on any person by it or by any officer subordinate to it.

(*2*) Any powers conferred by the District Magistrate may be withdrawn by the District Magistrate.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Public when to assist Magistrates and police.

42. Every person is bound to assist a Magistrate or police-officer reasonably demanding his aid, whether within or without the presidency-towns,—

(*a*) in the taking or preventing the escape of any other person whom such Magistrate or police-officer is authorised to arrest;

The Code of Criminal Procedure, 1898.

(Part III.—General Provisions. Chapter IV.—Of Aid and Information to the Magistrates, the Police and Persons making Arrests.—Sections 43-45.)

(*b*) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property.

Aid to person, other than police-officer, executing warrant.

43. When a warrant is directed to a person other than a police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

44. (*1*) Every person, whether within or without the presidency-towns, aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Indian Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 143, 144, 145, 147, 148, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police-officer of such commission or intention. XLV of 1860

(*2*) For the purposes of this section the term "offence" includes any act committed at any place out of British India which would constitute an offence if committed in British India.

Village-headmen, accountants, land-holders and others bound to report certain matters.

45. (*1*) Every village-headman, village-accountant, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station, whichever is the nearer, any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent :

(*b*) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender ;

(*c*) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147 or 148 of the Indian Penal Code ; XLV of 1860

(*d*) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances ;

(*e*) the commission of, or intention to commit, at any place out of British India near such village any act which, if committed in British India, would be an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460 ; XLV of 1860

(*f*) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Local Government, has directed him to communicate information.

(*2*) In this section—

(*i*) "village" includes village-lands ; and

(*ii*) the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority established or continued by the Governor General in Council in any part of India in respect of any act which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460. XLV of 1860

Appointment of village-headmen by District Magistrate in certain cases for purposes of this section.

(*3*) Subject to rules in this behalf to be made by the Local Government, the District Magistrate may from time to time appoint one or more persons to be village-headmen for the purposes of this section in any village for which there is no such headman appointed under any other law.

The Code of Criminal Procedure, 1898.

(Part III.—General Provisions. Chapter V.—Of Arrest, Escape and Retaking. Sections 46-54.)

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Arrest how made.

46. (*1*) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

(*2*) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.

(*3*) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life.

Search of place entered by person sought to be arrested.

47. If any person acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and, in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made he cannot otherwise obtain admittance :

Breaking open zanáná.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

49. Any police-officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

51. Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him.

Mode of searching women.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B.—Arrest without Warrant.

When police may arrest without warrant.

54. (*1*) Any police-officer may, without an order from a Magistrate and without a warrant, arrest—

first—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned ;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking ;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government ;

fourthly—any person in whose possession anything is found which may reasonably be

The Code of Criminal Procedure, 1898.

Part III.—General Provisions. Chapter V.—Of Arrest, Escape and Retaking.—Sections 55-59.)

suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy or of belonging to Her Majesty's Indian Marine Service and being illegally absent from that service;

seventhly—any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and

44 & 45 Vict., c. 69.

eighthly—any released convict committing a breach of any rule made under section 565, sub-section (3):

(*2*) This section applies also to the police in the towns of Calcutta and Bombay.

Arrest of vagabonds, habitual robbers, etc.

55. (*1*) Any officer in charge of a police-station may, in like manner, arrest or cause to be arrested—

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

(*2*) This section applies also to the police in the towns of Calcutta and Bombay.

Procedure when police-officer deputes subordinate to arrest without warrant.

56. (*1*) When any officer in charge of a police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made.

(*2*) This section applies also to the police in the towns of Calcutta and Bombay.

Refusal to give name and residence.

57. (*1*) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(*2*) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in British India, the bond shall be secured by a surety or sureties resident in British India.

(*3*) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond or, if so required to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Pursuit of offenders into other jurisdictions.

58. A police-officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest under this Chapter, pursue such person into any place in British India.

Arrest by private persons.

59. (*1*) Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Procedure on such arrest.

and shall, without unnecessary delay, make over any person so arrested to a police-officer, or, in the absence of a police-officer, take such person to the nearest police-station.

(*2*) If there is reason to believe that such person comes under the provisions of section 54, a police-officer shall re-arrest him.

(*3*) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence

The Code of Criminal Procedure, 1898.

(Part III.—General Provisions. Chapter V.—Of Arrest, Escape and Retaking.—Section 60-67. Chapter VI.—Of Processes to compel Appearance.—Sections 68-70.)

which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

Person arrested to be taken before Magistrate or officer in charge of police-station.

60. A police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police-station.

Person arrested not to be detained more than twenty-four hours.

61. No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Police to report apprehensions.

62. Officers in charge of police-stations shall report to the District Magistrate, or, if he so directs, to the Subdivisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

63. No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Offence committed in Magistrate's presence.

64. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of Magistrate.

65. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power, on escape, to pursue and retake.

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued, may immediately pursue a arrest him in any place in British India.

Provisions of sections 47, 48 and 49 to apply to arrests under section 66.

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

Form of summons.

68. (*1*) Every summons issued by a Court under this Code shall be in writing, in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

Summons by whom served.

(*2*) Such summons shall be served by a police-officer, or, subject to such rules as the Local Government may prescribe in this behalf, by an officer of the Court issuing it or other public servant.

(*3*) This section applies also to the police in the towns of Calcutta and Bombay.

Summons how served.

69. (*1*) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

(*2*) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

(*3*) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered post letter addressed to the chief officer of the corporation in British India. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

Service when person summoned cannot be found.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or, in a presidency-town, with his servant residing with him; and the person with whom the summons is so left, shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

The Code of Criminal Procedure, 1898.

(Part III.—General Provisions. Chapter VI.—Of Processes to compel Appearance.—Sections 71-79.)

71. If service in the manner mentioned in sections 69 and 70 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Procedure when service cannot be effected as before provided.

72. (*1*) Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court under his signature with the endorsement required by that section.

Service on servant of Government or of Railway Company.

(*2*) Such signature shall be evidence of due service.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Service of summons outside local limits.

74. (*1*) When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

Proof of service in such cases, and when serving officer not present.

(*2*) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

75. (*1*) Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

Form of warrant of arrest.

(*2*) Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Continuance of warrant of arrest.

76. (*1*) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed, shall take such security and shall release such person from custody.

Court may direct security to be taken.

(*2*) The endorsement shall state—

(*a*) the number of sureties;

(*b*) the amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound; and

(*c*) the time at which he is to attend before the Court.

(*3*) Whenever security is taken under this section, the officer to whom the warrant is directed, shall forward the bond to the Court.

Recognizance to be forwarded.

77. (*1*) A warrant of arrest shall ordinarily be directed to one or more police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrants to whom directed.

(*2*) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant to several persons.

78. (*1*) A District Magistrate or Subdivisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or subdivision for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Warrant may be directed to landholders, etc.

(*2*) Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued, is in, or enters on, his land or farm, or the land under his charge.

(*3*) When the person against whom such warrant is issued, is arrested, he shall be made over with the warrant to the nearest police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

79. A warrant directed to any police-officer may also be executed by any other police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Warrant directed to police-officer.

The Code of Criminal Procedure, 1898.

Part III.—General Provisions. Chapter VI.—Of Processes to compel Appearance.—Sections 80-87.)

80. The police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Notification of substance of warrant.

81. The police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Person arrested to be brought before Court without delay.

82. A warrant of arrest may be executed at any place in British India.

Where warrant may be executed.

83. (*1*) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any Magistrate or District Superintendent of Police or the Commissioner of Police in a Presidency-town within the local limits of whose jurisdiction it is to be executed.

Warrant forwarded for execution outside jurisdiction.

(*2*) The Magistrate or District Superintendent or Commissioner to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction.

84. (*1*) When a warrant directed to a police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Warrant directed to police-officer for execution outside jurisdiction.

(*2*) Such Magistrate or police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

(*3*) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police-officer within the local limits of whose jurisdiction the warrant is to be executed, will prevent such execution, the police-officer to whom it is directed, may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

(*4*) This section applies also to the police in the towns of Calcutta and Bombay.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant, is within twenty miles of the place of arrest or is nearer than the Magistrate or District Superintendent of Police or the Commissioner of Police in a Presidency-town within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner or District Superintendent.

Procedure on arrest of person against whom warrant issued.

86. (*1*) Such Magistrate or District Superintendent or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:

Procedure by Magistrate before whom person arrested is brought.

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, District Superintendent or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate, District Superintendent or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

(*2*) Nothing in this section shall be deemed to prevent a police-officer from taking security under section 76.

C.—Proclamation and Attachment.

87. (*1*) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it, has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

Proclamation for person absconding.

(*2*) The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides

The Code of Criminal Procedure, 1898.

(Part III.—General Provisions. Chapter VI.—Of Processes to compel Appearance.—Sections 88-91.)

or to some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

(*3*) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

Attachment of property of person absconding.

88. (*1*) The Court issuing a proclamation under section 87 may at any time order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

(*2*) Such order shall authorise the attachment of any property belonging to such person within the district in which it is made; and it shall authorise the attachment of any property belonging to such person without such district when endorsed by the District Magistrate or Chief Presidency Magistrate within whose district such property is situate.

(*3*) If the property ordered to be attached is a debt or other moveable property, the attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

(*4*) If the property ordered to be attached is immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the district in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

(*5*) If the property ordered to be attached consists of live stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(*6*) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure. XIV of 1882.

(*7*) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Restoration of attached property.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government, under sub-section (7) of section 88, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other Rules regarding Processes.

Issue of warrant in lieu of, or in addition to, summons.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present

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(Part III.—General Provisions. Chapter VI.—Of Processes to compel Appearance —Sections 92-93. Chapter VII.—Of Processes to compel the production of Documents and other Moveable Property, and for the Discovery of Persons wrongfully confined.—Sections 94-98.)

in such Court, such officer may require such person to execute a bond, with or without sureties, for his appearance in such Court.

Arrest on breach of bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court, does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Provisions of this chapter generally applicable to summonses and warrants of arrest.

93. The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall, so far as may be, apply to every summons and every warrant of arrest ssued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY, AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

Summons to produce document or other thing.

94. (*1*) Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(*2*) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition, if he causes such document or thing to be produced instead of attending personally to produce the same.

(*3*) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, postcard telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities.

I of 1872.

Procedure as to letters and telegrams.

95. (*1*) If any document, parcel or thing in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document, parcel or thing to such person as such Magistrate or Court directs.

(*2*) If any such document, parcel or thing is, in the opinion of any other Magistrate, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, parcel or thing pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

When search-warrant may be issued.

96. (*1*) Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, sub-section (*1*), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,

or where such document or thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.

(*2*) Nothing herein contained shall authorise any Magistrate other than a District Magistrate or Chief Presidency Magistrate to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph authorities.

Power to restrict warrant.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house suspected to contain stolen property, forged documents, etc.

98. (*1*) If a District Magistrate, Subdivisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps

The Code of Criminal Procedure, 1898.

(*Part III.—General Provisions. Chapter VII.—Of Processes to compel the production of Documents and other Moveable Property, and for the Discovery of Persons wrongfully confined.—Sections 98.-102*)

or for forging, are kept or deposited in any place,

he may by his warrant authorise any police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

(2) The provisions of this section with respect to—

(*a*) counterfeit coin,

(*b*) coin suspected to be counterfeit, and

(*c*) instruments or materials for counterfeiting coin,

shall, so far as they can be made applicable, apply, respectively, to—

I of 1889. (*a*) pieces of metal made in contravention of the Metal Tokens Act, 1889, or brought into British India in contravention of any notification for the time VIII of 1878. being in force under section 19 of the Sea Customs Act, 1878,

(*b*) pieces of metal suspected to have been so made or to have been so brought into British India or to be intended to be issued in contravention of the former of those Acts, and

(*c*) instruments or materials for making pieces of metal in contravention of that Act.

Disposal of things found in search beyond jurisdiction.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made, are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorising them to be taken to such Court.

C.—Discovery of Persons wrongfully confined.

Search for persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Subdivisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to Searches.

Direction, etc., of search-warrants.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98 or section 100.

Persons in charge of closed place to allow search.

102. (*1*) Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(*2*) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

(*3*) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of section 52 shall be observed.

The Code of Criminal Procedure, 1898.

(Part III.—General Provisions. Chapter VII.—Of Processes to compel the production of Documents and other Moveable Property, and for the Discovery of Persons wrongfully confined.—Sections 103-105. Part IV.—Prevention of Offences. Chapter VIII.—Of Security for keeping the Peace and for Good Behaviour.—Section 106-107.)

103. (*1*) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

Search to be made in presence of witnesses.

(*2*) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

(*3*) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

Occupant of place searched may attend.

(*4*) When any person is searched under section 102, sub-section (*3*), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

E.—Miscellaneous.

104. Any Court may, if it thinks fit, impound any document or thing produced before it under this Code.

Power to impound document, etc., produced.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A.—Security for keeping the Peace on Conviction.

106. (*1*) Whenever any person accused of rioting, assault or other offence involving a breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class, and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

Security for keeping the peace on conviction.

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

(*2*) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(*3*) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

B.—Security for keeping the Peace in other cases and Security for Good Behaviour.

107. (*1*) Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

Security for keeping the peace in other cases.

(*2*) Proceedings shall not be taken under this section unless either the person informed against, or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction, and no proceedings shall be taken before any Magistrate, other than a Chief Presidency or District Magistrate, unless both the person informed against and the place where the breach of the peace or disturbance is apprehended, are within the local limits of the Magistrate's jurisdiction.

(*3*) When any Magistrate not empowered to proceed under sub-section (*1*) has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, and that such breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons.

Procedure of Magistrate not empowered to act under sub-section (*1*).

(*4*) A Magistrate before whom a person is sent under this section, may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

The Code of Criminal Procedure, 1898.

(Part IV.—Prevention of Offences. Chapter VIII.—Of Security for keeping the Peace and for Good Behaviour.—Sections 108-115.)

Security for good behaviour from persons disseminating seditious matter.

108. Whenever a Chief Presidency or District Magistrate, or a Presidency Magistrate or Magistrate of the first class specially empowered by the Local Government in this behalf, has information that there is within the limits of his jurisdiction any person who, within or without such limits, either orally or in writing, disseminates or attempts to disseminate, or in anywise abets the dissemination of,—

(*a*) any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code, or XLV of 1860.

(*b*) any matter the publication of which is punishable under section 153A of the Indian Penal Code, or

(*c*) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Indian Penal Code,

such Magistrate may (in manner hereinafter provided) require such person to shew cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, or printed or published in conformity with, the rules laid down in the Press and Registration of XXV of 1867. Books Act, 1867, except by the order or under the authority of the Governor General in Council or the Local Government or some officer empowered by the Governor General in Council in this behalf.

Security for good behaviour from vagrants and suspected persons.

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

(*a*) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

110. Whenever a Presidency Magistrate, District Magistrate, or Subdivisional Magistrate or a Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction—

(*a*) is by habit a robber, house-breaker or thief, or

(*b*) is by habit a receiver of stolen property knowing the same to have been stolen,

(*c*) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(*d*) habitually commits mischief, extortion or cheating or counterfeiting coin, currency notes or stamps, or attempts so to do, or

(*e*) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(*f*) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

Proviso as to European vagrants.

111. The provisions of sections 109 and 110 do not apply to European British subjects in cases where they may be IX of dealt with under the European Vagrancy Act, 1874.

Order to be made.

112. When a Magistrate acting under section 107, section 108, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court.

113. If the person in respect of whom such order is made, is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court:

Provided that whenever it appears to such Magistrate, upon the report of a police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

Copy of order under section 112 to accompany summons or warrant.

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

The Code of Criminal Procedure, 1898.

(Part IV.—Prevention of Offences. Chapter VIII.—Of Security for keeping the Peace and for Good Behaviour.—Sections 116-123.)

Power to dispense with personal attendance.

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information.

117. (*1*) When an order under section 112 has been read or explained under section 113 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.

(*2*) Such inquiry shall be made, as nearly as may be practicable where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials and recording evidence in summons-cases; and, where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials and recording evidence in warrant-cases, except that no charge need be framed.

(*3*) For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

(*4*) Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.

Order to give security.

118. (*1*) If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

first, that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly, that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly, that, when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against.

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made, should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all cases subsequent to Order to furnish Security.

Commencement of period for which security is required.

120. (*1*) If any person in respect of whom an order requiring security is made under section 106 or section 118, is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(*2*) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

Contents of bond.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties.

122. A Magistrate may refuse to accept any surety offered under this Chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Imprisonment in default of security.

123. (*1*) If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given, commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it.

Proceedings when to be laid before High Court or Court of Session.

(*2*) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Sessions Judge or, if such Magistrate is a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

(*3*) Such Court, after examining such proceedings and requiring from the Magistrate any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit:

The Code of Criminal Procedure, 1898.

(Part IV.—Prevention of Offences. Chapter VIII.—Of Security for keeping the Peace and for Good Behaviour.—Sections 124-126.) Unlawful Assemblies.— Sections 127-130.)

Provided that the period (if any) for which any person is imprisoned for failure to give security, shall not exceed three years.

(*4*) If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.

Kind of imprisonment.

(*5*) Imprisonment for failure to give security for keeping the peace shall be simple.

(*6*) Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Power to release persons imprisoned for failing to give security.

124. (*1*) Whenever the District Magistrate or a Chief Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this Chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

(2) Whenever any person has been imprisoned for failing to give security under this Chapter, the Chief Presidency or District Magistrate may (unless the order has been made by some Court superior to his own) make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

(*3*) Whenever the District Magistrate or a Chief Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this Chapter as ordered by the Court of Session or High Court may be released without hazard to the community, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Power of District Magistrate to cancel any bond for keeping the peace or good behaviour.

125. The Chief Presidency or District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by order of any Court in his district not superior to his Court.

Discharge of sureties.

126. (*1*) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Subdivisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

(2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

(*3*) When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of Magistrate or police-officer.

127. (*1*) Any Magistrate or officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

(*2*) This section applies also to the police in the towns of Calcutta and Bombay.

Use of civil force to disperse.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a police-station, whether within or without the presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

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Use of military force.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present, may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

130. (*1*) When a Magistrate determines to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

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(*2*) Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

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(Part IV.—Prevention of Offences. Chapter IX.—Unlawful Assemblies.—Sections 131-132. Chapter X.—Public Nuisances.—Sections 133-135.)

Power of commissioned military officers to disperse assembly.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this chapter.

132. No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and—

(*a*) no Magistrate or police-officer acting under this Chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith, in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

133. (*1*) Whenever a District Magistrate, a Subdivisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a police-report or other information, and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

(*2*) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.—A "public place" includes also property belonging to the State, camping-grounds and grounds left unoccupied for sanitary and recreative purposes.

Service or notification of order.

134. (*1*) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for service of a summons.

(*2*) If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey or show cause or claim jury.

135. The person against whom such order is made, shall—

(*a*) perform, within the time specified in the order, the act directed thereby; or

(*b*) appear in accordance with such order and either show cause against the same, or apply to

The Code of Criminal Procedure, 1898.

(Part IV.—Prevention of Offences. Chapter X.—Public Nuisances.—Sections 136-143.)

the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

Consequence of his failing to do so.

136. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code, and the order shall be made absolute.

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Procedure where he appears to show cause.

137. (1) If he appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons-case.

(2) If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

(3) If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where he claims jury.

138. (1) On receiving an application under section 135 to appoint a jury, the Magistrate shall—

(a) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

(b) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

(c) fix a time within which they are to return their verdict.

(2) The time so fixed may, for good cause shown, be extended by the Magistrate.

Procedure where jury finds Magistrate's order to be reasonable.

139. (1) If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

(2) In other cases, no further proceedings shall be taken under this Chapter.

Procedure on order being made absolute.

140. (1) When an order has been made absolute under section 136, section 137 or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

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Consequences of disobedience to order.

(2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorise its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

(3) No suit shall lie in respect of anything done in good faith under this section.

Procedure on failure to appoint jury or omission to return verdict.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Injunction pending inquiry.

142. (1) If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.

(2) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

(3) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisance.

143. A District Magistrate or Subdivisional Magistrate, or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

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The Code of Criminal Procedure, 1898.

(Part V.—Information to the Police and their Powers to Investigate. Chapter XIV. —Sections 156-152.)

he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

(2) No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

(3) Any police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

Investigation into cognizable cases.

156. (1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

(2) No proceeding of a police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such an investigation as above mentioned.

Procedure where cognizable offence suspected.

157. (1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police-report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender :

Provided as follows :—

Where local investigation dispensed with.

(a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot ;

Where police-officer in charge sees no sufficient ground for investigation.

(b) if it appear to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section.

Reports under section 157 how submitted.

158. (1) Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of police as the Local Government, by general or special order, appoints in that behalf.

(2) Such superior officer may give such instructions to the officer in charge of the police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to hold investigation or preliminary inquiry.

159. Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police-officer's power to require attendance of witnesses.

160. Any police-officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case ; and such person shall attend as so required.

Examination of witnesses by police.

161. (1) Any police-officer making an investigation under this Chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statements to police not to be signed or admitted in evidence.

162. (1) No statement made by any person to a police-officer in the course of an investigation under this Chapter shall, if taken down in writing, be signed by the person making it, nor shall such writing be used as evidence :

Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interests of justice, direct that the accused be furnished with a copy thereof: and such statement may be used to impeach the credit of such witness in manner provided by the Indian Evidence Act, 1872. I of 1872.

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(Part V.—Information to the Police and their Powers to Investigate. Chapter XIV. —Sections 163-167.)

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Indian Evidence Act, 1872.

No inducement to be offered.

163. (1) No police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

(2) But no police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confessions.

164. (1) Every Magistrate not being a police-officer may record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(*Signed*) A. B.,
Magistrate."

Explanation.—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

Search by police-officer.

165. (1) Whenever an officer in charge of a police-station, or a police-officer making an investigation, considers that the production of any document or thing is necessary to the conduct of an investigation into any offence which he is authorised to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or thing according to the directions of the summons or order, or when such document or thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

(2) Such officer shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

When officer in charge of police-station may require another to issue search-warrant.

166. (1) An officer in charge of a police-station may require an officer in charge of another police-station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

Procedure when investigation cannot be completed in twenty-four hours.

167. (1) Whenever it appears that any investigation under this Chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused (if any) to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

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(Part V.—Information to the Police and their Powers to Investigate. Chapter XIV. —Sections 168-172.)

(*3*) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(*4*) If such order is given by a Magistrate other than the District Magistrate or Subdivisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

Report of investigation by subordinate police-officer.

168. When any subordinate police-officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police-station.

Release of accused when evidence deficient.

169. If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police-report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient.

170. (*1*) If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or commit him for trial or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

(*2*) When the officer in charge of a police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(*3*) If the Court of the District Magistrate or Subdivisional Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

(*4*) The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

(*5*) The officer in whose presence the bond is executed, shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses not to be required to accompany police-officer.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police-officer,

Complainants and witnesses not to be subjected to restraint.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the police-station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Diary of proceedings in investigation.

172. (*1*) Every police-officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(*2*) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police-officer who made them, to refresh his memory, or if the Court uses them for the purpose of contradicting such police-officer, the

The Code of Criminal Procedure, 1898.

(Part V.—Information to the Police and their Powers to Investigate. Chapter XIV. —Sections 173-176.)

I of 1872. provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Report of police-officer.

173. (*1*) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police-report a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

(*2*) Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation.

(*3*) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Police to inquire and report on suicide, etc.

174. (*1*) The officer in charge of a police-station, or some other police-officer specially empowered by the Local Government in that behalf, on receiving information that a person—

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Subdivisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

(*2*) The report shall be signed by such police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Subdivisional Magistrate.

(*3*) When there is any doubt regarding the cause of death, or when for any other reason the police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(*4*) In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the head of the village, who shall then report the result to the nearest Magistrate authorised to hold inquests.

(*5*) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Subdivisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

Power to summon persons.

175. (*1*) A police-officer proceeding under section 174 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

(*2*) If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the police-officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death.

176. (*1*) When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (*a*), (*b*) and (*c*) of sub-section (*1*), any Magistrate so empowered may, hold an inquiry into the cause of death,

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(Part VI.—Proceedings in Prosecutions. Chapter XV.—Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.—Sections 177-181.)

either instead of, or in addition to, the investigation held by the police-officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case.

Power to disinter corpses.

(2) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

Ordinary place of inquiry and trial.

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Power to order cases to be tried in different sessions divisions.

178. Notwithstanding anything contained in section 177, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any sessions division:

Provided that such direction is not repugnant to any direction previously issued by the High Court under section 15 of the Indian High Courts Act, 1861, or under this Code, section 526.

24 & 25 Vict., c. 104.

Accused triable in district where act is done or where consequence ensues.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(a) A is wounded within the local limits of the jurisdiction of Court X, and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(b) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(c) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

(d) A is wounded in the Native State of Baroda, and dies of his wounds in Poona. The offence of causing A's death may be inquired into and tried in Poona.

Place of trial where act is offence by reason of relation to other offence.

180. When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(a) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, etc.

181. (1) The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust.

(2) The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received or retained by the accused person, or the offence was committed.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XV.—Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.—Sections 182-188.)

(*3*) The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.

Stealing.

(*4*) The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted or was conveyed or concealed or detained.

Kidnapping and abduction.

182. When it is uncertain in which of several local areas an offence was committed, or

Place of inquiry or trial where scene of offence is uncertain or not in one district only; or where offence is continuing, or consists of several acts.

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than one, or

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offence committed on a journey.

184. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into or tried in a presidency-town, whether the offence is stated to have been committed within such town or not:

Offences against Railway, Telegraph, Post-office and Arms Acts.

Provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

185. (*1*) Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this Chapter be inquired into or tried, the High Court, within the local limits of whose appellate criminal jurisdiction the offender actually is, may decide by which Court the offence shall be inquired into or tried.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

(*2*) In Lower Burma, when the offender is an European British subject, the Court of the Recorder of Rangoon, and in all other cases the Court of the Judicial Commissioner, shall, for the purposes of this section, be deemed to be the High Court.

186. (*1*) When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate, or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

Magistrate's procedure on arrest.

(*2*) When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

187. (*1*) If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Subdivisional Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

Procedure where warrant issued by subordinate Magistrate.

(*2*) If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

188. When a Native Indian subject of Her Majesty commits an offence at any place without and beyond the limits of British India, or

Liability of British subjects for offences committed out of British India.

when any British subject commits an offence in the territories of any Native Prince or Chief in India, or

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XV.—Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.—Sections 189-194.)

(*b*) when a servant of the Queen (whether a British subject or not) commits an offence in the territories of any Native Prince or Chief in India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Political Agent to certify fitness of inquiry into charge.

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there is one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India; and, where there is no Political Agent, the sanction of the Local Government shall be required:

Provided, also, that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879, in respect of the same offence in any territory beyond the limits of British India.

XXI of 1879.

Power to direct copies of depositions and exhibits to be received in evidence.

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

B.—Conditions requisite for Initiation of Proceedings.

Cognizance of offences by Magistrates.

190. (*1*) Except as hereinafter provided, any Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police-report of such facts;

(*c*) upon information received from any person other than a police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

(*2*) The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under sub-section (*1*), clause (*a*) or clause (*b*), of offences for which he may try or commit for trial.

(*3*) The Local Government may empower any Magistrate of the first or second class to take cognizance under sub-section (*1*), clause (*c*), of offences for which he may try or commit for trial.

Transfer or commitment on application of accused.

191. When a Magistrate takes cognizance of an offence under sub-section (*1*), clause (*c*), of the preceding section, the accused shall, before any evidence is taken, be informed that he is entitled to have the case tried by another Court, and if the accused, or any of the accused if there be more than one, objects to being tried by such Magistrate, the case shall, instead of being tried by such Magistrate, be committed to the Court of Session or transferred to another Magistrate.

Transfer of cases by Magistrates.

192. (*1*) Any Chief Presidency Magistrate, District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial, to any Magistrate subordinate to him.

(*2*) Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his district who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

Cognizance of offences by Courts of Session.

193. (*1*) Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

(*2*) Additional Sessions Judges and Assistant Sessions Judges shall try such cases only as the Local Government by general or special order may direct them to try, or, in the case of Assistant Sessions Judges, as the Sessions Judge of the division, by general or special order, may make over to them for trial.

Cognizance of offences by High Court.

194. (*1*) The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the Indian High Courts Act, 1861, or any other provision of this Code.

24 & 25 Vic., c. 104.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XV.—Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.—Sections 195-197.)

Informations by Advocate General.

(2) (*a*) Notwithstanding anything in this Code contained, the Advocate General may, with the previous sanction of the Governor General in Council or the Local Government, exhibit to the High Court, against persons subject to the jurisdiction of the High Court, informations for all purposes for which Her Majesty's Attorney-General may exhibit informations on behalf of the Crown in the High Court of Justice in England.

(*b*) Such proceedings may be taken upon every such information as may lawfully be taken in the case of similar informations filed by Her Majesty's Attorney-General so far as the circumstances of the case and the practice and procedure of the said High Court will admit.

(*c*) All fines, penalties, forfeitures, debts and sums of money recovered or levied under or by virtue of any such information shall belong to the Government of India.

(*d*) The High Court may make rules for carrying into effect the provisions of this section.

195. (*1*) No Court shall take cognizance—

Prosecution for contempts of lawful authority of public servants.

(*a*) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, XLV of 1860. except with the previous sanction, or on the complaint, of the public servant concerned or of some public servant to whom he is subordinate;

Prosecution for certain offences against public justice.

(*b*) of any offence punishable under section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Prosecution for certain offences relating to documents given in evidence.

(*c*) of any offence described in section 463 or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

(*2*) In clauses (*b*) and (*c*) of sub-section (*1*) the term "Court" means a Civil, Revenue or Criminal Court, but does not include a Registrar or Sub-Registrar under the Indian Registration Act, 1877. III of 1877.

(*3*) The provisions of sub-section (*1*), with reference to the offences named therein, apply also to the abetment of such offences, and attempts to commit them.

Nature of sanction necessary.

(*4*) The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

(*5*) When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

(*6*) Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no sanction shall remain in force for more than six months from the date on which it was given: provided that the High Court may, for good cause shewn, extend the time.

(*7*) For the purposes of this section every Court shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie, that is to say:—

(*a*) where such appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;

(*b*) where such appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case in connection with which the offence is alleged to have been committed;

(*c*) where no appeal lies, such Court shall be deemed to be subordinate to the principal Court of original jurisdiction within the local limits of whose jurisdiction such first-mentioned Court is situate.

Prosecution for offences against the State.

196 No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code (except section XLV of 1860. 127), or punishable under section 108A, or section 153A or section 294A or section 505 of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Prosecution of Judges and public servants.

197. (*1*) When any Judge, or any public servant not removeable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XV.—Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.—Sections 198-199. Chapter XVI.—Of Complaints to Magistrates.—Sections 200-203. Chapter XVII.—Of the Commencement of Proceedings before Magistrates.—Section 204.)

Power of Government as to prosecution.

(2) Such Government may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Prosecution for breach of contract, defamation and offences against marriage.

XLV of 1860.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Prosecution for adultery or enticing a married woman.

XLV of 1860.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XVI.

OF COMPLAINTS TO MAGISTRATES.

Examination of complainant.

200. Subject to the provisions of section 476, a Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Provided as follows:—

(*a*) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192;

(*b*) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

(*c*) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

Procedure by Magistrate not competent to take cognizance of the case.

201. (*1*) If the complaint has been made in writing to a Magistrate who is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper Court with an endorsement to that effect.

(*2*) If the complaint has not been made in writing, such Magistrate shall direct the complainant to the proper Court.

Postponement of issue of process.

202. (*1*) If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to time authorise in this behalf, or any Magistrate of the first or second class, is not satisfied as to the truth of a complaint of an offence of which he is authorised to take cognizance, he may, when the complainant has been examined, record his reasons, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a police-officer, or by such other person, not being a Magistrate or police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

(*2*) If such investigation is made by some person not being a Magistrate or a police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a police-station, except that he shall not have power to arrest without warrant.

(*3*) This section applies also to the police in the towns of Calcutta and Bombay.

Dismissal of complaint.

203. The Magistrate before whom a complaint is made or to whom it has been transferred, may dismiss the complaint, if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding. In such case he shall briefly record his reasons for so doing.

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

Issue of process.

204. (*1*) If, in the opinion of a Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, and the case appears to be one in which, according to the fourth column of the second schedule, a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which, according to that column, a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) some other Magistrate having jurisdiction.

(*2*) Nothing in this section shall be deemed to affect the provisions of section 90.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XVII.—Of the Commencement of Proceedings before Magistrates.—Section 205. Chapter XVIII.—Of Inquiry into Cases triable by the Court of Session or High Court.—Sections 205-212.)

(3) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued until the fees are paid, and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.

Magistrate may dispense with personal attendance of accused.

205. (1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

Power to commit for trial.

206. (1) Subject to the provisions of section 443, any Presidency Magistrate, District Magistrate, Subdivisional Magistrate or Magistrate of the first class, or any Magistrate empowered in this behalf by the Local Government, may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

(2) But, save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Procedure in inquiries preparatory to commitment.

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court.

Taking of evidence produced.

208. (1) The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

(2) The accused shall be at liberty to cross-examine the witnesses for the prosecution, and in such case the prosecutor may re-examine them.

Process for production of further evidence.

(3) If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

(4) Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

When accused person to be discharged.

209. (1) When the evidence referred to in section 208, sub-sections (1) and (3), has been taken, and he has (if necessary) examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, record his reasons and discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

(2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

When charge is to be framed.

210. (1) When, upon such evidence being taken and such examination (if any) being made, the Magistrate is satisfied that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

Charge to be explained, and copy furnished, to accused.

(2) As soon as the charge has been framed, it shall be read and explained to the accused, and a copy thereof shall, if he so requires, be given to him free of cost.

List of witnesses for defence on trial.

211. (1) The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

(2) The Magistrate may, in his discretion, allow the accused to give in any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial, to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Power of Magistrate to examine such witnesses.

212. The Magistrate may, in his discretion, summon and examine any witness named in any list given in to him under section 211.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XVIII.—Of Inquiry into Cases triable by the Court of Session or High Court.—Sections 213-219.)

Order of commitment.

213. (*1*) When the accused, on being required to give in a list under section 211, has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

(*2*) If the Magistrate, after hearing the witnesses for the defence, is satisfied that there are not sufficient grounds for committing the accused, he may cancel the charge and discharge the accused.

Person charged outside presidency-towns jointly with European British subject.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him for trial before the High Court, and not before the Court of Session.

Quashing commitments under section 213 or 214.

215. A commitment once made under section 213 or section 214 by a competent Magistrate or by a Court of Session under section 477, or by a Civil or Revenue Court under section 478, can be quashed by the High Court only, and only on a point of law.

Summons to witnesses for defence when accused is committed.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list, as have not appeared before himself, to appear before the Court to which the accused has been committed :

Provided that, where the accused has been committed to the High Court, the Magistrate may, in his discretion, leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly :

Refusal to summon unnecessary witness unless deposit made.

Provided, also, that, if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness and all other proper expenses.

Bond of complainants and witnesses.

217. (*1*) Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

(*2*) If any complainant or witness refuses to attend before the Court of Session or High Court, or execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Commitment when to be notified.

218. (*1*) When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge, etc., to be forwarded to High Court or Court of Session.

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

English translation to be forwarded to High Court.

(*2*) When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

Power to summon supplementary witnesses.

219. (*1*) The Magistrate may, if he thinks fit, summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

(*2*) Such examination shall, if possible, be taken in the presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XVIII.—Of Inquiry into Case triable by the Court of Session or High Court.—Section 220. Chapter XIX.—Of the Charge.—Sections 221-224.)

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

221. (1) Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

(2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

(3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

(4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charge.

(6) In the presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

(7) If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Previous conviction when to be set out.

Illustrations.

(a) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception I, one or other of the three provisoes to that exception applied to it.

XLV of 1860.

(b) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

XLV of 1860.

(c) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

XLV of 1860.

(d) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

XLV of 1860.

222. (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

(2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 234:

Provided that the time included between the first and last of such dates shall not exceed one year.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Words in charge taken in sense of law under which offence is punishable.

IV N

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XIX.—Of the Charge.—Sections 225-232.)

Effect of errors.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice.

Illustrations.

XLV of 1860.

(*a*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled and that the error was material.

Procedure on commitment without charge or with imperfect charge.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

Illustrations.

1. A is charged with the murder of C. A charge of abetting the murder of C may be added or substituted.

XLV of 1860.

2. A is charged with forging a valuable security under section 467 of the Indian Penal Code. A charge of fabricating false evidence under section 193 may be added.

3. A is charged with receiving stolen property knowing it to be stolen. During the trial it incidentally appears that he has in his possession instruments for the purpose of counterfeiting coin. A charge under section 235 of the Indian Penal Code cannot be added.

Court may alter charge.

227. (*1*) Any Court may alter or add to any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

(*2*) Every such alteration or addition shall be read and explained to the accused.

When trial may proceed immediately after alteration.

228. If the charge framed or alteration or addition made under section 226 or section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration or addition has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When new trial may be directed, or trial suspended.

229. If the new or altered or added charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

230. If the offence stated in the new or altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

231. Whenever a charge is altered or added to by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration or addition, any witness who may have been examined, and also to call any further witness whom the Court may think to be material.

Effect of material error.

232. (*1*) If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

(*2*) If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence, under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence, which he corruptly used or XLV of

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XIX.—Of the Charge.—Sections 233-235.)

attempted to use as true or genuine, was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but, if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Separate charges for distinct offences.

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and causing grievous hurt.

Three offences of same kind within year may be charged together.

234. (*1*) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

(*2*) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code or of any special or local law.

XLV of 1860.

Trial for more than one offence.

235. (*1*) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

Offence falling within two definitions.

(*2*) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

Acts constituting one offence, but constituting when combined a different offence.

(*3*) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts when combined, and for any offence constituted by any one, or more, of such acts.

(*4*) Nothing contained in this section shall affect the Indian Penal Code, section 71.

XLV of 1860.

Illustrations

to sub-section (1)—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and convicted of, offences under sections 225 and 333 of the Indian Penal Code. XLV

(*b*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code. XLV

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code. XLV

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charges. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code. XLV

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code. XLV

(*g*) A, with six others, commits the offences of rioting, grievous hurt and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code. XLV

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code. XLV

The separate charges referred to in Illustrations (*a*) to (*h*) respectively may be tried at the same time.

to sub-section (2)—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code. XLV o

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code. XLV o

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code. XLV o

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code. XLV o

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XIX.—Of the Charge.—Sections 236-240. Chapter XX.—Of the Trial of Summons-cases by Magistrates.—Section 241.)

to sub-section (3)—

(*m*) A commits robbery on B, and in doing so voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code. XLV of 1860.

Where it is doubtful what offence has been committed.

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Illustrations.

(*a*) A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(*b*) A states on oath before the Magistrate that he saw B hit C with a club. Before the Sessions Court A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false.

When a person is charged with one offence, he can be convicted of another.

237. (*1*) If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

(*2*) When the accused is charged with an offence, he may be convicted of having attempted to commit that offence, although the attempt is not separately charged.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

When offence proved included in offence charged.

238. (*1*) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

(*2*) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it.

(*3*) Nothing in this section shall be deemed to authorise a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406. XLV of 1860.

(*b*) A is charged, under section 325 of the Indian Penal Code, with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code. XLV of 1860.

What persons may be charged jointly.

239. When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this Chapter shall apply to all such charges.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

Withdrawal of remaining charges on conviction on one of several charges

240. When a charge containing more heads than one is framed against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES.

Procedure in summons-cases.

241. The following procedure shall be observed by Magistrates in the trial of summons-cases.

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(Part VI.—Proceedings in Prosecutions. Chapter XX.—Of the Trial of Summons-cases by Magistrates.—Sections 242-250.)

242. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Substance of accusation to be stated.

243. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and, if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Conviction on admission of truth of accusation.

244. (*1*) If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Procedure when no such admission is made.

(*2*) The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

(*3*) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

245. (*1*) If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

(*2*) If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

247. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day:

Non-appearance of complainant.

Provided that, where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance, and proceed with the case.

248. If a complainant, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Power to stop proceedings when no complainant.

Frivolous Accusations in Summons and Warrant Cases.

250. (*1*) If, in any case instituted by complaint as defined in this Code, or upon information given to a police-officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit:

Frivolous or vexatious accusations.

Provided that, before making any such direction, the Magistrate shall—

(*a*) record and consider any objection which the complainant or informant may urge against the making of the direction, and,

(*b*) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(*2*) Compensation of which a Magistrate has ordered payment under sub-section (*1*) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(*3*) A complainant or informant who has been ordered under sub-section (*1*) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXI.—Of the Trial of Warrant-cases by Magistrates.—Sections 251-259.)

(*4*) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (*3*), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(*5*) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

Procedure in warrant-cases.

251. The following procedure shall be observed by Magistrates is the trial of warrant-cases.

Evidence for prosecution.

252. (*1*) When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

(*2*) The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

Discharge of accused.

253. (*1*) If, upon taking all the evidence referred to in section 252, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.

(*2*) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Charge to be framed when offence appears proved.

254. If, when such evidence and examination have been taken and made, or at any previous stage of the case, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Plea.

255. (*1*) The charge shall then be read and explained to the accused, and he shall be asked whether e is guilty or has any defence to make.

(*2*) If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

Defence.

256. (*1*) If the accused refuses to plead, or does not plead, or claims to be tried, he shall be required to state whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken. If he says he does so wish, the witnesses named by him shall be re-called, and, after cross-examination and re-examination (if any), they shall be discharged. The evidence of any remaining witnesses for the prosecution shall next be taken, and, after cross-examination and re-examination (if any), they also shall be discharged. The accused shall then be called upon to enter upon his defence and produce his evidence.

(*2*) If the accused puts in any written statement, the Magistrate shall file it with the record.

Process for compelling production of evidence at instance of accused.

257. (*1*) If the accused, after he has entered upon his defence, applies to the Magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice. Such ground shall be recorded by him in writing:

Provided that, when the accused has cross-examined or had the opportunity of cross-examining any witness after the charge is framed, the attendance of such witness shall not be compelled under this section, unless the Magistrate is satisfied that it is necessary for the purposes of justice.

(*2*) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal.

258. (*1*) If in any case under this Chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Conviction.

(*2*) If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Absence of complainant.

259. When the proceedings have been instituted upon complaint, and upon any day fixed for the hearing of the case the complainant is absent, and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXII.—Of Summary Trials.—Sections 260-263.)

CHAPTER XXII.

OF SUMMARY TRIALS.

Power to try summarily.

260. (*1*) Notwithstanding anything contained in this Code,—

(*a*) the District Magistrate,

(*b*) any Magistrate of the first class specially empowered in this behalf by the Local Government, and

(*c*) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the Local Government,

may, he or they think fit, try in a summary way all or any of the following offences:—

(*a*) offences not punishable with death, transportation or imprisonment for a term exceeding six months;

(*b*) offences relating to weights and measures under sections 264, 265 and 266 of the Indian Penal Code; XLV of 1860.

(*c*) hurt, under section 323 of the same Code;

(*d*) theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed fifty rupees;

(*f*) receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees;

(*g*) assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees;

(*h*) mischief, under section 427 of the same Code;

(*i*) house-trespass, under section 448 and offences under sections 451, 456 and 457 of the same Code;

(*j*) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code;

(*k*) abetment of any of the foregoing offences;

(*l*) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(*m*) offences under section 20 of the Cattle-trespass Act, 1871: [I] of 1871.

Provided that no case in which a Magistrate exercises the special powers conferred by section 34, shall be tried in a summary way.

(*2*) When in the course of a summary trial it appears to the Magistrate or Bench that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate or Bench shall recall any witnesses who may have been examined and proceed to re-hear the case in manner provided by this Code.

Power to invest Bench of Magistrates invested with less power.

261. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

(*a*) offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447; XLV of [1860.]

(*b*) offences against Municipal Acts, and the conservancy clauses of Police Acts which are punishable only with fine, or with imprisonment for a term not exceeding one month;

(*c*) abetment of any of the foregoing offences;

(*d*) an attempt to commit any of the foregoing offences, when such attempt is an offence.

Procedure for summons and warrant cases applicable.

262. (*1*) In trials under this Chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Limit of imprisonment.

(*2*) No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter.

Record in cases where there is no appeal.

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Local Government may direct the following particulars:—

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, parentage and residence of the accused;

(*f*) the offence complained of and the offence (if any) proved, and in cases coming under clause (*d*), clause (*e*), clause (*f*) or clause (*g*) of sub-section (*1*) of section 260 the value of the property in respect of which the offence has been committed;

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXII.—Of Summary Trials.—Sections 264-265. Chapter XXIII.—Of Trials before High Courts and Courts of Session.—Sections 266-271.)

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence or other final order; and

(*j*) the date on which the proceedings terminated.

Record in appealable cases.

264. (*1*) In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

(*2*) Such judgment shall be the only record in cases coming within this section.

Language of record and judgment.

265. (*1*) Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Bench may be authorised to employ clerk.

(*2*) The Local Government may authorise any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

(*3*) If no such authorisation be given, the record prepared by a member of the Bench and signed as aforesaid shall be the proper record.

(*4*) If the Bench differ in opinion, any dissentient member may write a separate judgment.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

"High Court" defined.

266. In this Chapter, except in sections 276 and 307, and in Chapter XVIII, the expression "High Court" means a High Court of Judicature established or to be established under the Indian High Courts Act, 1861, and includes the Chief Court of the Punjab, the Court of the Recorder of Rangoon and such other Courts as the Governor General in Council may, by notification in the Gazette of India, declare to be High Courts for the purposes of this Chapter.

24 & 25 Vict., c. 104.

Trials before High Court to be by jury.

267. All trials under this Chapter before a High Court shall be by jury;

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the Indian High Courts Act, 1861, the trial may, if the High Court so directs, be by jury.

24 & 25 Vict., c. 104.

Trials before Court of Session to be by jury or with assessors.

268. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Local Government may order trials before Court of Session to be by jury.

269. (*1*) The Local Government may, with the previous sanction of the Governor General in Council, by order in the official Gazette, direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any district, and may, with the like sanction, revoke or alter such order.

(*2*) The Local Government, by like order, may also declare that, in the case of any district in which the trial of any offence is to be by jury, the trial of such offences shall, if the Judge, on application made to him or of his own motion, so directs, be by jurors summoned from a special jury list, and may revoke or alter such order.

(*3*) When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury.

Trial before Court of Session to be conducted by Public Prosecutor.

270. In every trial before a Court of Session the prosecution shall be conducted by a Public Prosecutor.

B.—Commencement of Proceedings.

Commencement of trial.

271. (*1*) When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether

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he is guilty of the offence charged, or claims to be tried.

(2) If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Refusal to plead or claim to be tried.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Trial by same jury or assessors of several offenders in succession.

273. (1) In trials before the High Court, when it appears to the High Court, at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect.

Entry on sustainable charges.

(2) Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

Effect of entry.

C.—Choosing a Jury.

274. (1) In trials before the High Court the jury shall consist of nine persons.

Number of jury.

(2) In trials by jury before the Court of Session the jury shall consist of such uneven number, not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may direct.

275. In a trial by jury before the Court of Session of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans before Court of Session.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct:

Jurors to be chosen by lot.

Provided that—

first, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed;

Existing practice maintained;

secondly, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present;

persons not summoned when eligible;

thirdly, in the presidency-towns—

trials before special jurors.

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed; and

fourthly, in any district for which the Local Government has declared that the trial of certain offences may be by special jury, the jurors shall, in any case in which the Judge so directs, be chosen from the special jury list prescribed in section 325.

277. (1) As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

(2) Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection to jurors.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Objection without grounds stated.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed—

Grounds of objection.

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of police or being entrusted with police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

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(*g*) his inability to understand the language in which the evidence is given, or when such evidence is interpreted the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Decision of objection.

279. (*1*) Every objection taken to a juror shall be decided by the Court and such decision shall be recorded and be final.

Supply of place of juror against whom objection allowed.

(*2*) If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276, or if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury:

Provided that no objection to such juror or other person is taken under section 278 and allowed.

Foreman of jury.

280. (*1*) When the jurors have been chosen, they shall appoint one of their number to be foreman.

(*2*) The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

(*3*) If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

Swearing of jurors.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873. X of 1873.

Procedure when juror ceases to attend, etc.

282. (*1*) If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

(*2*) In each of such cases the trial shall commence anew.

Discharge of jury in case of sickness of prisoner.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

D.—Choosing Assessors.

Assessors how chosen.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Procedure when assessor is unable to attend.

285. (*1*) If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

(*2*) If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Opening case for prosecution.

286. (*1*) When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused. XLV of

Examination of witnesses.

(*2*) The prosecutor shall then examine his witnesses.

Examination of accused before Magistrate to be evidence.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Evidence given at preliminary inquiry admissible.

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution.

289. (*1*) When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

(*2*) If he says that he does not, the prosecutor may sum up his case; and, if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case

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tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

(*3*) If the accused, or any one of several accused, says that he means to adduce evidence, and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

(*4*) If the accused, or any one of several accused, says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

Defence.

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses.

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 211 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply.

292. If the accused, or any of the accused, adduces any evidence, the prosecutor shall be entitled to reply.

View by jury or assessors.

293. (*1*) Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

(*2*) Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

When juror or assessor may be examined.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

Jury or assessors to attend at adjourned sitting.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Locking up jury.

296. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day; and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F.—Conclusion of Trial in Cases tried by Jury.

Charge to jury.

297. In cases tried by jury, when the case for the defence and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge.

298. (*1*) In such cases it is the duty of the Judge—

(*a*) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given

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(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

(*2*) The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not being a witness in the case, on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Duty of jury.

299. It is the duty of the jury—

(*a*) to decide which view of the facts is true and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Retirement to consider.

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Delivery of verdict.

301. When the jury have considered their verdict the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Procedure where jury differ.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Verdict to be given on each charge.

Judge may question jury.

303. (*1*) Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Questions and answers to be recorded.

(*2*) Such questions and the answers to them shall be recorded.

Amending verdict.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Verdict in High Court when to prevail.

305. (*1*) When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

(*2*) When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in other cases.

(*3*) If the Judge disagrees with the majority, he shall at once discharge the jury.

(*4*) If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Verdict in Court of Session when to prevail.

306. (*1*) When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

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(2) If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Procedure where Sessions Judge disagrees with verdict.

307. (1) If in any such case the Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, and is clearly of opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

(2) Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

(3) In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal, and subject thereto it shall, after considering the entire evidence and after giving due weight to the opinions of the Sessions Judge and the jury, acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

Re-trial of accused after discharge of jury.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

H.—Conclusion of Trial in Cases tried with Assessors.

Delivery of opinions of assessors.

309. (1) When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Judgment.

(2) The Judge shall then give judgment, but in doing so shall not be bound to conform to the opinions of the assessors.

(3) If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

Procedure in case of previous conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows:—

(a) the part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence:

(b) if he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge:

(c) if he answers that he has been so previously convicted, the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury, or the Court and the assessors (as the case may be), shall then hear evidence concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

When evidence of previous conviction may be given.

311. Notwithstanding anything in the last foregoing section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872. I of 1872.

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J.—List of Jurors for High Court, and summoning Jurors for that Court.

Number of special jurors.

312. The names of not more than four hundred persons shall at any one time be entered in the special jurors' list.

Lists of common and special jurors.

313. (*1*) The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

(*a*) a list of all persons liable to serve as common jurors; and

(*b*) a list of persons liable to serve as special jurors only.

(*2*) Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

(*3*) No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

(*4*) The Governor General in Council in the case of the High Court at Fort William in Bengal, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

(*5*) The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of lists, preliminary and revised.

314. (*1*) Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

(*2*) Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

(*3*) Copies of the said lists shall be affixed to some conspicuous part of the court-house.

Number of jurors to be summoned in presidency-towns.

315. (*1*) Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions in each presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

(*2*) No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

(*3*) If, during the continuance of any sessions it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Summoning jurors outside the presidency-towns.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list, in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Military jurors.

317. (*1*) In addition to the persons so summoned as jurors, the said Court of Session shall, if it thinks needful, after communication with the commanding officer, cause to be summoned such number of commissioned and non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

(*2*) All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his commanding officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Failure of jurors to attend.

318. Any person summoned under section 315, section 316 or section 317, who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable, by order of the Judge, to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment for a term not exceeding six months in the civil jail until the fine is paid:

Provided that the Court may in its discretion remit any fine or imprisonment so imposed.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Liability to serve as jurors or assessors.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to

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serve as jurors or assessors at any trial held within the district in which they reside,

or, if the Local Government, on consideration of local circumstances, has fixed any smaller area in this behalf, within the area so fixed.

Exemptions.

320. The following persons are exempt from liability to serve as jurors or assessors, namely :—

(*a*) officers in civil employ superior in rank to a District Magistrate ;

(*b*) salaried Judges ;

(*c*) Commissioners and Collectors of Revenue or Customs ;

(*d*) police-officers and persons engaged in the Preventive Service in the Customs Department ;

(*e*) persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty ;

(*f*) persons actually officiating as priests or ministers of their respective religions ;

(*g*) persons in Her Majesty's Army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors ;

(*h*) surgeons and others who openly and constantly practise the medical profession ;

(*i*) legal practitioners (as defined by the Legal Practitioners Act, 1879,) in actual practice ; XVIII of 1879.

(*j*) persons employed in the Post-office and Telegraph Departments ;

(*k*) persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641 ; XIV of 1882.

(*l*) other persons exempted by the Local Government from liability to serve as jurors or assessors.

List of jurors and assessors.

321. (*1*) The Sessions Judge, and the Collector of the district or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (*b*) to (*h*), both inclusive.

(*2*) The list shall contain the name, place of abode and quality or business of every such person ; and, if the person is an European or an American, the list shall mention the race to which he belongs.

Publication of list.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the court-houses of the District Magistrate and of the District Court, and extracts therefrom in some conspicuous place in the town or towns in or near which the persons named in the extract reside.

Objections to list.

323. To every such copy or extract shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the sessions court-house, and at a time to be mentioned in the notice.

Revision of list.

324. (*1*) For the hearing of such objections the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

(*2*) In the event of a difference of opinion between the Sessions Judge and the Collector or other officer as aforesaid, the name of the proposed juror or assessor shall be omitted from the list.

(*3*) A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

(*4*) Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

(*5*) Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Annual revision of list.

(*6*) The list so prepared and revised shall be again revised once in every year.

(*7*) The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Preparation of list of special jurors.

325. In the case of any district for which the Local Government has declared that the trial of certain offences shall, if the Judge so direct, be by special jury, the Sessions Judge

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXIII.—Of Trials before High Courts and Courts of Session.—Sections 326-333.)

and the Collector of such district or other officer as aforesaid shall prepare, in addition to the revised list hereinbefore prescribed, a special list containing the names of such jurors as are borne on the revised list and are, in the opinion of such Sessions Judge and Collector or other officer as aforesaid, by reason of their possessing superior qualifications in respect of property, character or education, fit persons to serve as special jurors: Provided always that the inclusion of the name of any person in such special list shall not involve the removal of his name from the revised list nor relieve him of his liability to serve as an ordinary juror in cases not tried by special jury.

District Magistrate to summon jurors and assessors.

326. (*1*) The Sessions Judge shall ordinarily seven days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as many persons named in the said revised list or the said special list as seem to the Sessions Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

(*2*) The names of the persons to be summoned shall be drawn by lot in open Court, excluding those who have served within six months unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Power to summon another set of jurors or assessors.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Form and contents of summons.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

When Government or Railway servant may be excused.

329. When any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears on the representation of the head of the office in which he is employed that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Court may excuse attendance of juror or assessor.

330. (*1*) The Court of Session may, for reasonable cause, excuse any juror or assessor from attendance at any particular session.

Court may relieve special jurors from liability to serve again as jurors for twelve months.

(*2*) The Court of Session may, if it shall think fit, at the conclusion of any trial by special jury, direct that the jurors who have served on such jury shall not be summoned to serve again as jurors for a period of twelve months.

List of jurors and assessors attending.

331. (*1*) At each session the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

(*2*) Such list shall be kept with the list of the jurors and assessors as revised under section 324.

(*3*) A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Penalty for non-attendance of juror or assessor.

332. (*1*) Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

(*2*) Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

(*3*) For good cause shewn, the Court may remit or reduce any fine so imposed.

(*4*) In default of recovery of the fine by attachment and sale, such juror or assessor may, by order of the Court of Session, be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

L.—Special Provisions for High Courts.

Power of Advocate General to stay prosecution.

333. At any stage of any trial before a High Court under this Code, before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXIII.—Of Trials before High Courts and Courts of Session.—Sections 334-336. Chapter XXIV.—General Provisions as to Inquiries and Trials.—Sections 337-339.)

on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Time of holding sittings.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

335. (*1*) The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, or the Local Government in the case of the other High Courts, may direct.

(*2*) But it may, from timeto t ime, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

(*3*) Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Place of trial of European British subjects.

336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court, or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Tender of pardon to accomplice.

337. (*1*) In the case of any offence triable exclusively by the Court of Session or High Court, the District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

(*2*) Every person accepting a tender under this section shall be examined as a witness in the case.

(*3*) Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

(*4*) Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and, when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

Power to direct tender of pardon.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

Commitment of person to whom pardon has been tendered.

339. (*1*) Where a pardon has been tendered under section 337 or section 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

(*2*) The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been forfeited under this section.

(*3*) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXIV.—General Provisions as to Inquiries and Trials.—Sections 340-345.)

Right of accused to be defended.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Procedure where accused does not understand proceedings.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

342. (*1*) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

(*2*) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

(*3*) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

(*4*) No oath shall be administered to the accused.

No influence to be used to induce disclosures.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

344. (*1*) If, from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

(*2*) Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

Reasonable cause for remand.

Explanation.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Compounding offences.

345. (*1*) The offences punishable under the sections of the Indian Penal Code described in the first two columns of the table next following may be compounded by the persons mentioned in the third column of that table:— XLV of 1860.

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Uttering words, etc., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded.
Causing hurt . .	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Assault or use of criminal force.	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour.	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXIV.—General Provisions as to Inquiries and Trials.—Sections 345-348.)

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Criminal trespass	447	The person in possession of the property trespassed upon.
House-trespass	448	
Criminal breach of contract of service.	490, 491, 492	The person with whom the offender has contracted.
Adultery	497	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman.	498	
Defamation	500	The person defamed.
Printing or engraving matter knowing it to be defamatory.	501	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	502	
Insult intended to provoke a breach of the peace.	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years.	506	The person intimidated.

(*2*) The offences of causing hurt and grievous hurt, punishable under section 324, section 325, section 335, section 337, or section 338 of the Indian Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

XLV of 1860.

(*3*) When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

(*4*) When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

(*5*) When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.

(*6*) The composition of an offence under this section shall have the effect of an acquittal of the accused.

(*7*) No offence shall be compounded except as provided by this section.

Procedure of Provincial Magistrate in cases which he cannot dispose of.

346. (*1*) If, in the course of an inquiry or a trial before a Magistrate in any district outside the presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

(*2*) The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed.

347. (*1*) If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

(*2*) If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

348. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards, shall be committed to the Court of Session or High Court, as the case may be, unless the Magistrate before whom the proceedings are pending is of opinion that he can himself pass an adequate sentence if the accused is convicted;

XLV

Provided that, if the District Magistrate has been invested with powers under section 30, the case may be transferred to him instead of being committed to the Court of Session.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXIV.—General Provisions as to Inquiries and Trials.—Sections 349-352. Chapter XXV.—Of the Mode of taking and recording Evidence in Inquiries and Trials.—Sections 353-355.)

Procedure when Magistrate cannot pass sentence sufficiently severe.

349. (*1*) Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion, after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Subdivisional Magistrate to whom he is subordinate.

(*2*) The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence, and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law:

Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

350. (*1*) Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:

Provided as follows:—

(*a*) in any trial the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard;

(*b*) the High Court or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was held, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby, and may order a new inquiry or trial.

(*2*) Nothing in this section applies to cases in which proceedings have been stayed under section 346.

Detention of offenders attending Court.

351. (*1*) Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of inquiry into or trial of any offence of which such Court can take cognizance and which, from the evidence, may appear to have been committed, and may be proceeded against as though he had been arrested or summoned.

(*2*) When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard.

Courts to be open.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Evidence to be taken in presence of accused.

353. Except as otherwise expressly provided all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Manner of recording evidence outside presidency-towns.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Record in summons-cases and in trials of certain offences by first and second-class Magistrates.

355. (*1*) In summons-cases tried before a Magistrate other than a Presidency Magistrate, and in cases of the offences mentioned in sub-section (*1*) of section 260, clauses (*b*) to (*m*), both inclusive, when tried by a Magistrate of the first or second class, and in all proceedings under section 514 (if not in the course of a trial), the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

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(*2*) Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

(*3*) If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Record in other cases outside presidency-towns.

356. (*1*) In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Evidence given in English.

(*2*) When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

(*3*) In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

(*4*) If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Language of record of evidence.

357. (*1*) The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall, in the cases referred to in section 356, be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

(*2*) The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

Option to Magistrate in cases under section 355.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Mode of recording evidence under section 356 or section 357.

359. (*1*) Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

(*2*) The Magistrate or Sessions Judge may, in his discretion, take down, or cause to be taken down, any particular question and answer.

Procedure in regard to such evidence when completed.

360. (*1*) As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

(*2*) If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

(*3*) If the evidence is taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader.

361. (*1*) Whenever any evidence is given in a language not understood by the accused, and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

(*2*) If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it

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shall be interpreted to such pleader in that language.

(*3*) When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Record of evidence in Presidency Magistrates' Courts.

362. (*1*) In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

(*2*) Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may, in his discretion, take down, or cause to be taken down, any particular question or answer.

(*3*) Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Remarks respecting demeanour of witness.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

364. (*1*) Whenever the accused is examined by any Magistrate, or by any Court other than a High Court established by Royal Charter or the Chief Court of the Punjab, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or in English: and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(*2*) When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

(*3*) In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

(*4*) Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Record of evidence in High Court.

365. Every High Court established by Royal Charter and the Chief Court of the Punjab may, from time to time, by general rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

OF THE JUDGMENT.

Mode of delivering judgment.

366. (*1*) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—

(*a*) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(*b*) in the language of the Court, or in some other language which the accused or his pleader understands:

Provided that the whole judgment shall be read out by the presiding Judge, if he is requested so to do either by the prosecution or the defence.

(*2*) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted, in either of which cases it may be delivered in the presence of his pleader.

(*3*) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader

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on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.

(4) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 537.

Language of judgment.

Contents of judgment.

367. (1) Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

XLV of 1860. (2) It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

XLV of 1860.

Judgment in alternative.

(3) When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

(4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

(5) If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

Sentence of death.

368. (1) When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of transportation.

(2) No sentence of transportation shall specify the place to which the person sentenced is to be transported.

Court not to alter judgment.

369. No Court, other than a High Court, when it has signed its judgment, shall alter or review the same, except as provided in sections 395 and 484 or to correct a clerical error.

Presidency Magistrate's judgment.

370. Instead of recording a judgment in manner hereinbefore provided a Presidency Magistrate shall record the following particulars :—

(a) the serial number of the case;

(b) the date of the commission of the offence;

(c) the name of the complainant (if any);

(d) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;

(e) the offence complained of or proved

(f) the plea of the accused and his examination (if any);

(g) the final order;

(h) the date of such order; and

(i) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Judgment to be explained and copy given to accused.

371. (1) On the application of the accused a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

(2) In trials by jury in a Court of Session, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

Case of person sentenced to death.

(3) When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment when to be translated.

372. The original judgment shall be filed with the record of proceedings, and, where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

Court of Session to send copy of finding and sentence to District Magistrate.

373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXVII.—Of the Submission of Sentences for Confirmation.—Sections 374-380. Chapter XXVIII.—Of Execution.—Sections 381-383.)

CHAPTER XXVII.

OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION.

Sentence of death to be submitted by Court of Session.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court.

Power to direct further inquiry to be made or additional evidence to be taken.

375. (*1*) If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the Court of Session.

(*2*) Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and, unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

(*3*) When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person :

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Confirmation or new sentence to be signed by two Judges.

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed and signed by at least two of them.

Procedure in case of difference of opinion.

378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in cases submitted to High Court for confirmation.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court and attested with his official signature, to the Court of Session.

Procedure in cases submitted by Magistrate not empowered to act under section 562.

380. Where proceedings are submitted to a Magistrate of the first class or a Subdivisional Magistrate as provided by section 562, such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken

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CHAPTER XXVIII.

OF EXECUTION.

Execution of order passed under section 376.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman.

382. If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to transportation for life.

Execution of sentences of transportation or imprisonment in other cases.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXVIII.—Of Execution.—Sections 384-393.)

to the jail in which he is, or is to be, confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Effect of such warrant.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorise the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

388. (*1*) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

(*2*) In any case in which an order for the payment of money has been made, on non-recovery of which imprisonment may be awarded, and the money is not paid forthwith, the Court may require the person ordered to make such payment to enter into a bond as prescribed in sub-section (*1*), and in default of his so doing may at once pass sentence of imprisonment as if the money had not been recovered.

Who may issue warrant.

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence, or by his successor in office.

Execution of sentence of whipping only.

390. When the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Execution of sentence of whipping, in addition to imprisonment.

391. (*1*) When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal is made within that time, until the sentence is confirmed by the Appellate Court; but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

(*2*) The whipping shall be inflicted in the presence of the officer in charge of the jail, unless the Judge or Magistrate orders it to be inflicted in his own presence.

(*3*) No accused person shall be sentenced to whipping in addition to imprisonment when the term of imprisonment to which he is sentenced, is less than three months.

Mode of inflicting punishment.

392. (*1*) In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in such mode, and on such part of the person, and with such instrument, as the Local Government directs.

Limit of number of stripes.

(*2*) In no case shall such punishment exceed thirty stripes.

Not to be executed by instalments.

Exemptions.

393. No sentence of whipping shall be executed by instalments: and none of the following persons shall be punishable with whipping (namely) :—

(*a*) females;

(*b*) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty-five years of age

The Code of Criminal Procedure, 1898.

(*Part VI.—Proceedings in Prosecutions. Chapter XXVIII.—Of Execution.—Sections 394-399*).

Whipping not to be inflicted if offender not in fit state of health.

394. (*1*) The punishment of whipping shall not be inflicted unless a medical officer, if present, certifies, or, if there is not a medical officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Stay of execution.

(2) If, during the execution of a sentence of whipping, a medical officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Procedure if punishment cannot be inflicted under section 394.

395. (*1*) In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence, can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

(*2*) Nothing in this section shall be deemed to authorise any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

Execution of sentences on escaped convicts.

396 (*1*) When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and, if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

(*2*) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

(*3*) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purposes of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Sentence on offender already sentenced for another offence.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction is one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

Saving as to sections 396 and 397.

398. (*1*) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(*2*) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.

Confinement of youthful offenders in reformatories.

399. (*1*) When any person under the age of fifteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry or which is kept by a person

The Code of Criminal Procedure, 1898.

(Part VI.—Proceedings in Prosecutions. Chapter XXVIII.—Of Execution.—Section 400. Chapter XXIX.—Of Suspensions, Remissions and Commutations of Sentences.—Sections 401-402. Chapter XXX.—Of previous Acquittals or Convictions.—Section 403.)

willing to obey such rules as the Local Government prescribes with regard to the discipline and training of persons confined therein.

(*2*) All persons confined under this section shall be subject to the rules so prescribed.

VII of 1897. (*3*) This section shall not apply to any place in which the Reformatory Schools Act, 1897, is for the time being in force.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

Return of warrant on execution of sentence.

CHAPTER XXIX.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES.

401. (*1*) When any person has been sentenced to punishment for an offence, the Governor General in Council or the Local Government may at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Power to suspend or remit sentences.

(*2*) Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

(*3*) If any condition on which a sentence has been suspended or remitted, is, in the opinion of the Governor General in Council or of the Local Government, as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted, may, if at large, be arrested by any police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

(*4*) The condition on which a sentence is suspended or remitted under this section, may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

(*5*) Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites or remissions of punishment.

(*6*) The Governor General in Council and the Local Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

402. The Governor General in Council or the Local Government may, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it:—

Power to commute punishment.

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

403. (*1*) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

Person once convicted or acquitted not to be tried for same offence.

(*2*) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, sub-section (*1*).

(*3*) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(*4*) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried, was not competent to try the offence with which he is subsequently charged.

(*5*) Nothing in this section shall affect the provisions of section 26 of the General Clauses Act, 1897, or of section 188 of this Code. X of 18

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused or any entry made upon a charge under section 273, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

The Code of Criminal Procedure, 1898.

(Part VII.—Of Appeal, Reference and Revision. Chapter XXXI.—Of Appeals.—Sections 404-413.)

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(*d*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph 3 of the section.

(*f*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

Unless otherwise provided, no appeal to lie.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order requiring security for good behaviour.

406. Any person ordered by a Magistrate other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118 may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

407. (*1*) Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 by a Subdivisional Magistrate of the second class, may appeal to the District Magistrate.

Transfer of appeals to first class Magistrate.

(*2*) The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals may be presented to such subordinate Magistrate, or, if already presented to the District Magistrate, may be transferred to such subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Provided as follows:—

(*a*) any European British subject so convicted may, at his option, appeal either to the High Court or the Court of Session;

(*b*) when in any case an Assistant Sessions Judge or a Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years, or any sentence of transportation, the appeal shall lie to the High Court;

(*c*) when any person is convicted by a Magistrate of an offence under section 124A of the Indian Penal Code, the appeal shall lie to the High Court. XLV of 186

Appeals to Court of Session how heard.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge.

Appeal from sentence of Court of Session.

410. Any person convicted on a trial held by a Sessions Judge, or an Additional Sessions Judge, may appeal to the High Court.

Appeal from sentence of Presidency Magistrate.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court, if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

No appeal in certain cases when accused pleads guilty.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or any Presidency Magistrate or Magistrate of the first class on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted

The Code of Criminal Procedure, 1898.

(Part VII.—Of Appeal, Reference and Revision. Chapter XXXI.—Of Appeals.—Sections 414-423.)

person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

No appeal from certain summary convictions.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in any case tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

Proviso to sections 413 and 414.

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal, shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

Explanation.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Saving of sentences on European British subjects.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

Appeal on behalf of Government in case of acquittal.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal on what matters admissible.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

Explanation.—The alleged severity of a sentence shall, for the purposes of this section, be deemed to be a matter of law.

Petition of appeal.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367.

Procedure when appellant in jail.

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Summary dismissal of appeal.

421. (*1*) On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and, if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily:

Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

(*2*) Before dismissing an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Notice of appeal.

422. If the Appellate Court does not dismiss the appeal summarily, it shall cause notice to be given to the appellant or his pleader, and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

and, in cases of appeals under section 417 the Appellate Court shall cause a like notice to be given to the accused.

Powers of Appellate Court in disposing of appeal.

423. (*1*) The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under section 417, the accused, if he appears, the Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may—

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(*b*) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court or committed for trial, or

The Code of Criminal Procedure, 1898.

(Part VII.—Of Appeal, Reference and Revision. Chapter XXXI.—Of Appeals.—Sections 424-431. Chapter XXXII.—Of Reference and Revision.—Section 432.)

(2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or, (3) with or without such reduction and with or without altering the finding, alter the nature of the sentence but, subject to the provisions of section 106, sub-section (3), not so as to enhance the same ;

(c) in an appeal from any other order, alter or reverse such order;

(d) make any amendment or any consequential or incidental order that may be just or proper.

(2) Nothing herein contained shall authorise the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

Judgments of subordinate Appellate Courts.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court :

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

Order by High Court on appeal to be certified to lower Court.

425. (1) Whenever a case is decided on appeal by the High Court under this Chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

(2) The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

Suspension of sentence pending appeal. Release of appellant on bail.

426. (1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond.

(2) The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

(3) When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Arrest of accused in appeal from acquittal.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Appellate Court may take further evidence or direct it to be taken.

428. (1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons, and may either take such evidence itself, or direct it to be taken by a Magistrate, or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

(2) When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

(3) Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

(4) The taking of evidence under this section shall be subject to the provisions of Chapter XXV, as if it were an inquiry.

Procedure where Judges of Court of Appeal are equally divided.

429. When the Judges composing the Court of Appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Finality of orders on appeal.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

Abatement of appeals.

431. Every appeal under section 417 shall finally abate on the death of the accused, and every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.

CHAPTER XXXII.

OF REFERENCE AND REVISION.

Reference by Presidency Magistrate to High Court.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which

The Code of Criminal Procedure, 1898.

(Part VII.—Of Appeal, Reference and Revision. Chapter XXXII.—Of Reference and Revision.—Sections 433-439.)

arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Disposal of case according to decision of High Court.

433. (*1*) When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Direction as to costs.

(*2*) The High Court may direct by whom the costs of such reference shall be paid.

Power to reserve questions arising in original jurisdiction of High Court.

434. (*1*) When any person has, in a trial before a Judge of a High Court consisting of more Judges than one and acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Procedure when question reserved.

(*2*) If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail; and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

Power to call for records of inferior Courts.

435. (*1*) The High Court or any Sessions Judge or District Magistrate, or any Subdivisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

(*2*) If any Subdivisional Magistrate acting under sub-section (*1*) considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

(*3*) Orders made under sections 143 and 144 and proceedings under Chapter XII and section 176 are not proceedings within the meaning of this section.

(*4*) If an application under this section has been made either to the Sessions Judge or District Magistrate, no further application shall be entertained by the other of them.

Power to order commitment.

436. When, on examining the record of any case under section 435 or otherwise, the Sessions Judge or District Magistrate considers that such case is triable exclusively by the Court of Session and that an accused person has been improperly discharged by the inferior Court, the Sessions Judge or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Sessions Judge or District Magistrate, improperly discharged:

Provided as follows:—

(*a*) that the accused has had an opportunity of showing cause to such Judge or Magistrate why the commitment should not be made;

(*b*) that, if such Judge or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Judge or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

437. On examining any record under section 435 or otherwise, the High Court or the Sessions Judge may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203 or sub-section (*3*) of section 204, or into the case of any accused person who has been discharged.

Report to High Court.

438. (*1*) The Sessions Judge or District Magistrate may, if he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the result of such examination, and, when such report contains a recommendation that a sentence be reversed or altered, may order that the execution of such sentence be suspended, and, if the accused is in confinement, that he be released on bail or on his own bond.

(*2*) An Additional Sessions Judge shall have and may exercise all the powers of a Sessions Judge under this Chapter in respect of any case which may be transferred to him by the Sessions Judge.

High Court's powers of revision.

439. (*1*) In the case of any proceeding the record of which has been called for by itself or

The Code of Criminal Procedure, 1898.

(Part VII.—Of Appeal, Reference and Revision. Chapter XXXII.—Of Reference and Revision.—Sections 440-442. Part VIII.—Special Proceedings. Chapter XXXIII.—Criminal Proceedings against Europeans and Americans.—Sections 443-446.)

which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence; and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

(*2*) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(*3*) Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 34, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

(*4*) Nothing in this section applies to an entry made under section 273, or shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.

(*5*) Where under this Code an appeal lies and no appeal is brought, no proceedings by way of revision shall be entertained at the instance of the party who could have appealed.

Optional with Court to hear parties.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision:

Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, sub-section (*2*).

Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before over-ruling or setting aside the said decision or order.

High Court's order to be certified to lower Court or Magistrate.

442. When a case is revised under this Chapter by the High Court, it shall, in manner hereinbefore provided by section 425, certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

Magistrates who may inquire into and try charges against European British subjects.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a District Magistrate or Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Sessions Judge to be an European British subject.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

444. No Judge presiding in a Court of Session, except the Sessions Judge, shall exercise jurisdiction over an European British subject unless he himself is an European British subject; and if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Cognizance of offence committed by European British subject.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Sentences which may be passed by provincial Magistrates.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than a District Magistrate or Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both, and a District Magistrate shall not pass any such sentence other than imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both.

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXIII.—Criminal Proceedings against Europeans and Americans.—Sections 447-451.)

When commitment is to be to Court of Session and when to High Court.

447. (*1*) When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session, or, in the case of a Presidency Magistrate, to the High Court.

(*2*) When the offence which appears to have been committed is punishable with death or with transportation for life, the commitment shall be to the High Court.

Trial of offences of which one is, and the others are not, punishable with death or transportation for life.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Sentences which may be passed by Court of Session.

449. (*1*) Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

Procedure when Sessions Judge finds his powers inadequate.

(*2*) If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved, cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Jury or assessors before High Court or Court of Session.

450. (*1*) In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, the trial shall be by a jury of which not less than half the number shall be Europeans or Americans or both Europeans and Americans.

(*2*) When any such trial before a Court of Session would in the ordinary course be with the aid of assessors, the European British subject accused, or, where there are several European British subjects accused, all of them jointly, may, instead of claiming to be tried by a mixed jury under sub-section (*1*), require that not less than half the number of the assessors shall be Europeans or Americans or both Europeans and Americans.

Right of European British subject to claim jury before District Magistrate.

451. (*1*) In trials of European British subjects before a District Magistrate for any offence, any such subject may, in a summons-case before he is heard in his defence under section 244, or in a warrant-case before he enters on his defence under section 256, claim that the trial shall be by a jury composed in manner prescribed by section 450.

(*2*) If a claim is made under sub-section (*1*) in a summons-case at the time when the Magistrate proceeds under section 244 to hear the accused, or in a warrant-case at the time when the Magistrate calls upon the accused under section 256 to enter upon the defence, the Magistrate shall forthwith issue the necessary orders for the trial by a jury as aforesaid.

(*3*) If such a claim is made at an earlier stage of the proceedings, the Magistrate shall issue such orders whenever it appears to him from the evidence recorded that there will be a sufficient case to go before a jury.

(*4*) In every such case the Magistrate shall, notwithstanding anything contained in section 242, before issuing any orders as aforesaid, frame a formal charge.

(*5*) The provisions of sections 211, 216, 217, 219 and 220 shall, so far as may be, apply for the purpose of securing the attendance of the complainant, the accused and the witnesses at every trial to be held under this section.

(*6*) The provisions of this Code relating to the procedure in a trial by jury before a Court of Session shall, as nearly as may be, apply to every trial under this section as if the District Magistrate were a Sessions Judge and the accused had been committed to his Court for trial.

(*7*) All Courts may construe any of the provisions referred to in sub-section (*5*) or sub-section (*6*), in so far as they are made applicable by those sub-sections, with such verbal alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before them.

(*8*) Nothing in this section shall affect the power of the Magistrate to commit an accused person for trial under section 347 or section 447.

The Code of Criminal Procedure, 1898.

(*Part VIII.—Special Proceedings. Chapter XXXIII.—Criminal Proceedings against Europeans and Americans.—Sections 452-457.*)

Transfer to another Court in certain cases.

(*9*) If an accused person claims to be tried by jury under this section and in the opinion of the District Magistrate there is reason to believe that a jury composed in manner prescribed by section 450 cannot be constituted for the trial before himself, or cannot be so constituted without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, he may, instead of issuing orders for the trial before himself under this section, transfer the case for trial to such other District Magistrate or to such Sessions Judge as the High Court may, from time to time, by rules made by it in this behalf and approved by the Local Government, or by special order, direct.

(*10*) When a case is transferred under this section to a Sessions Judge or District Magistrate, he shall with all convenient speed try it with the same powers (including the power of commitment) and according to the same procedure as if he were a District Magistrate acting under this section.

Trial of European British subject and Native jointly accused.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such subject and person may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately :

When Native may claim separate trial.

Provided that, if the European British subject requires under section 450 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

Procedure on claim of person to be dealt with as European British subject.

453. (*1*) When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

(*2*) When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall, after such further enquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's said decision was wrong shall lie upon him.

(*3*) When the Court before which any person is tried, decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

Failure to plead status a waiver.

454. (*1*) If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which such subject is committed, he shall be held to have relinquished his right to be dealt with as such European British subject and shall not assert it in any subsequent stage of the same case.

(*2*) Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

Trial under this chapter of person not an European British subject.

455. Where a person who is not an European British subject is dealt with as such under this Chapter and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

Right of European British subject unlawfully detained to apply for order to be brought before High Court.

456. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Procedure on such application.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXIII.—Criminal Proceedings against Europeans and Americans.—Sections 458-463. Chapter XXXIV.—Lunatics.—Section 464.)

it may issue the order in the first instance, and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Territories throughout which High Court may issue such orders.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may direct.

Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

459. (*1*) Unless there is something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons are not expressly referred to therein.

(*2*) Nothing in this section shall be deemed to authorise any Court to exceed the limits prescribed by this Chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate or any Judge presiding in a Court of Session, not being a Justice of the Peace.

Jury for trial of Europeans or Americans.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury when European or American charged jointly with one of another race.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American and in compliance with a claim made under section 460 is tried by a jury, or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

Summoning and empanelling jurors under section 450, 451 or 460.

462. (*1*) When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 450 or section 460, or before the Court of a District Magistrate or Sessions Judge proceeding under section 451, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

(*2*) The Court shall also, at the same time, in like manner, cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

(*3*) From the whole number of persons returned the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as practicable, has been obtained:

Provided that, in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may, in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Conduct of criminal proceedings against European British subjects, etc.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

CHAPTER XXXIV.

LUNATICS.

Procedure in case of accused being lunatic.

464. (*1*) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the district or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

(*2*) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXIV.—Lunatics.—Sections 465-471.)

Procedure in case of person committed before Court of Session or High Court being lunatic.

465. (*1*) If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury, or the Court with the aid of assessors, shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

(*2*) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

466. (*1*) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Custody of lunatic.

(*2*) If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, remanding the accused to custody pending orders, and the Local Government may order the accused to be confined in a lunatic asylum, jail or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Resumption of inquiry or trial.

467. (*1*) Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

(*2*) When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court.

468. (*1*) If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

(*2*) If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

When accused appears to have been insane.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

Judgment of acquittal on ground of lunacy.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

471. (*1*) Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

(*2*) The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

Power of Governor General in Council to order criminal lunatics confined by order of Local Government to be removed from one province to another.

(*3*) The Governor General in Council may, by general or special order, direct that any person whom the Local Government has ordered under this Chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined, to any lunatic asylum, jail or other place of safe custody in British India.

Power of Local Government to relieve Inspector General of certain functions.

(*4*) The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or this section, to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474.

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXIV.—Lunatics.—Sections 472-475.) Chapter XXXV.—Proceedings in case of certain Officers affecting the Administration of Justice.—Sections 476-478.)

Lunatic prisoners to be visited by Inspector General.

472 When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. (*1*) If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a Commission, consisting of a judicial and two medical officers.

(*2*) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

Delivery of lunatic to care of relative.

475. (*1*) Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and, on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

(*2*) Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

(*3*) The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Procedure in cases mentioned in section 195.

476 (*1*) When any Civil, Criminal or Revenue Court is of opinion that there is ground for inquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

(*2*) Such Magistrate shall thereupon proceed according to law, and as if upon complaint made and recorded under section 200, and may, if he is authorised under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

Power of Court of Session as to such offences committed before itself.

477. (*1*) Subject to the provisions of section 444, a Court of Session may charge a person for any offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

(*2*) Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Power of Civil and Revenue Courts to complete inquiry and commit to High Court or Court of Session.

478. (*1*) When any such offence is committed before any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Court in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

(*2*) For the purposes of an inquiry under this section the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXV.—Proceedings in case of certain Offences affecting the Administration of Justice.—Sections 479-486.)

powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Procedure of Civil or Revenue Court in such cases.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorised to commit for trial, and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Procedure in certain cases of contempt.

480. (1) When any such offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid. XLV of 1860.

(2) Nothing in section 443 or section 444 shall be deemed to apply to proceedings under this section.

Record in such cases.

481. (1) In every such case the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(2) If the offence is under section 228 of the Indian Penal Code, the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult. XLV of 1860.

Procedure where Court considers that case should not be dealt with under section 480.

482. (1) If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person in custody to such Magistrate.

(2) The Magistrate to whom any case is forwarded under this section, shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.

483. When the Local Government so directs, any Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Civil Court within the meaning of sections 480 and 482. III of 1877.

Discharge of offender on submission or apology.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

485. If any witness or person called to produce a document or thing before a Criminal Court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document or thing. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a Court established by Royal Charter, shall be deemed guilty of a contempt.

Appeals from convictions in contempt-cases.

486. (1) Any person sentenced by any Court under section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

(2) The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXV.—Proceedings in case of certain Offences affecting the Administration of Justice.—Section 487. Chapter XXXVI.—Of the Maintenance of Wives and Children.—Sections 488-490.)

this section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.

(*3*) An appeal from such conviction by a Court of Small Causes in a presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the sessions division within which such Court is situate.

(*4*) An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the presidency-towns, to the High Court.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.

487. (*1*) Except as provided in sections 477, 480 and 485, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court and the Recorder of Rangoon, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

(*2*) Nothing in section 476 or section 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Order of maintenance of wives and children.

488. (*1*) If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

(*2*) Such allowance shall be payable from the date of the order, or if so ordered from the date of the application for maintenance.

Enforcement of order.

(*3*) If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.

(*4*) No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

(*5*) On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

(*6*) All evidence under this Chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases:

Provided that if the Magistrate is satisfied that he is wilfully avoiding service, or wilfully neglects to attend the Court, the Magistrate may proceed to hear and determine the case *ex parte*. Any order so made may be set aside for good cause shewn, on application made within three months from the date thereof.

(*7*) The accused may tender himself as a witness, and in such case shall be examined as such.

(*8*) The Court in dealing with applications under this section shall have power to make such order as to costs as may be just.

(*9*) The accused may be proceeded against in any district where he resides or is or where he last resided with his wife, or, as the case may be the mother of the illegitimate child.

Alteration in allowance.

489. On proof of a change in the circumstances of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit: Provided that if he increases the allowance, the monthly rate of fifty rupees in the whole be not exceeded

Enforcement of order of maintenance.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the

The Code of Criminal Procedure, 1898.

(Part VIII.—Special Proceedings. Chapter XXXVII.—Directions of the Nature of a Habeas Corpus.—Section 491.) Part IX.—Supplementary Provisions. Chapter XXXVIII.—Of the Public Prosecutor.—Sections 492-495.)

allowance is to be paid; and such order may be enforced by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

DIRECTIONS OF THE NATURE OF A *HABEAS CORPUS*.

Power to issue directions of the nature of a *habeas corpus*.

491. (*1*) Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(*a*) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(*f*) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

(*2*) Each of the said High Courts may, from time to time, frame rules to regulate the procedure in cases under this section.

(*3*) Nothing in this section applies to persons detained under the Bengal State Prisoners Regulation, 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the State Prisoners Act, 1850, or the State Prisoners Act, 1858.

III of 1818. XXXIV of 1850. III of 1858.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVIII.

OF THE PUBLIC PROSECUTOR.

Power to appoint Public Prosecutors.

492. (*1*) The Governor General in Council or the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

(*2*) In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Subdivisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent, to be Public Prosecutor for the purpose of such case.

Public Prosecutor may plead in all Courts in cases under his charge. Pleaders privately instructed to be under his direction.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Effect of withdrawal from prosecution.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and, upon such withdrawal,—

(*a*) if it is made before a charge has been framed, the accused shall be discharged;

(*b*) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

Permission to conduct prosecution.

495. (*1*) Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council, but no person, other than the

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XXXIX.—Of Bail.—Sections 496-502.)

Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

(*2*) Any such officer shall have the like power of withdrawing from the prosecution as is provided by section 494, and the provisions of that section shall apply to any withdrawal by such officer.

(*3*) Any person conducting the prosecution may do so personally or by a pleader.

(*4*) An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

CHAPTER XXXIX.

OF BAIL.

In what cases bail to be taken.

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail:

Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

497. (*1*) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

(*2*) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(*3*) Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Power to direct admission to bail or reduction of bail.

498. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police-officer or Magistrate be reduced.

Bond of accused and sureties.

499. (*1*) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police-officer or Court, as the case may be.

(*2*) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Discharge from custody.

500. (*1*) As soon as the bond has been executed the person for whose appearance it has been executed, shall be released; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

(*2*) Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

Discharge of sureties.

502. (*1*) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(*2*) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XL.—Of Commissions for the Examination of Witnesses.—Sections 503-508. Chapter XLI.—Special Rules of Evidence.—Section 509.)

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

When attendance of witness may be dispensed with.

503. (1) Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission, and procedure thereunder.

(2) When the witness resides in the territories of any Prince or Chief in India in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

(3) The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

(4) Where the commission is issued to such officer as is mentioned in sub-section (2), he may delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in British India.

Commission in case of witness being within presidency-town.

504. (1) If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

39 & 40 Vict, c. 46. (2) Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the Slave Trade Act, 1876, section 3.

Parties may examine witnesses.

505. The parties to any proceeding under this Code in which a commission is issued, may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed, shall examine the witness upon such interrogatories.

(2) Any such party may appear before such Magistrate or officer by pleader, or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of provincial Subordinate Magistrate to apply for issue of commission.

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

507. (1) After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872, may also be received in evidence at any subsequent stage of the case before another Court. I of 1872.

Adjournment of inquiry or trial.

508. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

SPECIAL RULES OF EVIDENCE.

Deposition of medical witness.

509. (1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XL, may be given in evidence in any

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLI.—Special Rules of Evidence.—Sections 510-512. Chapter XLII.—Provisions as to Bonds.—Sections 513-516.)

inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

(2) The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of Chemical Examiner.

510. Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Previous conviction or acquittal how proved.

511. In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

Record of evidence in absence of accused.

512. (*1*) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

Record of evidence when offender unknown.

(*2*) If it appears that an offence punishable with death or transportation has been committed by some person or persons unknown, the High Court may direct that any Magistrate of the first class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond the limits of British India.

CHAPTER XLII.

PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

Procedure on forfeiture of bond.

514. (*1*) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(*2*) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(*3*) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorise the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(*4*) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(*5*) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(*6*) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond, may be required to find a new surety.

Appeal from, and revision of, orders under section 514.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Power to direct levy of amount due on certain recognizances.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLIII.—Of the Disposal of Property.—Sections 517-523.)

CHAPTER XLIII.

OF THE DISPOSAL OF PROPERTY.

Order for disposal of property regarding which offence committed.

517. (*1*) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

(*2*) When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

(*3*) When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is live-stock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

Explanation.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise

Order may take form of reference to District or Subdivisional Magistrate.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Subdivisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under section 517, 518 or 519.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

Destruction of libellous and other matter.

521. (*1*) On a conviction under the Indian Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted. XLV of 1860.

(*2*) The Court may, in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had, to be destroyed. XLV of 1860.

Power to restore possession of immoveable property.

522. (*1*) Whenever a person is convicted of an offence attended by criminal force and it appears to the Court that by such force any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

(*2*) No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

Procedure by police upon seizure of property taken under section 51 or stolen.

523. (*1*) The seizure by any police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure where owner of property seized unknown.

(*2*) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLIII.—Of the Disposal of Property.—Sections 524-525. Chapter XLIV.—Of the Transfer of Criminal Cases.—Sections 526-527.)

consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where no claimant appears within six months.

524. (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found. is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, or of a Magistrate of the first class empowered by the Local Government in this behalf.

(2) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

Power to sell perishable property.

525. If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported, is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

CHAPTER XLIV.

OF THE TRANSFER OF CRIMINAL CASES.

High Court may transfer case or itself try it.

526. (1) Whenever it is made to appear to the High Court—

(a) that a fair and impartial enquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b) that some question of law of unusual difficulty is likely to arise, or

(c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(d) that an order under this section will tend to the general convenience of the parties or witnesses, or

(e) that such an order is expedient for the ends of justice, or is required by any provision of this Code,

it may order—

(i) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence;

(ii) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;

(iii) that any particular criminal case or appeal be transferred to and tried before itself; or

(iv) that an accused person be committed for trial to itself or to a Court of Session.

(2) When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed, if the case had not been so withdrawn.

(3) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative.

(4) Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

(5) When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Notice to Public Prosecutor of application under this section.

(6) Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

(7) Nothing in this section shall be deemed to affect any order made under section 197.

Adjournment on application under this section.

(8) If, in any criminal case or appeal, before the commencement of the hearing, the Public Prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending, his intention to make an application under this section in respect of the case, the Court shall exercise the powers of postponement or adjournment given by section 344 in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal.

Power of Governor General in Council to transfer criminal cases and appeals.

527. (1) The Governor General in Council may, by notification in the Gazette of India, direct the transfer of any particular criminal case or appeal

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLIV.—Of the Transfer of Criminal Cases.—Section 528. Chapter XLV.—Of Irregular Proceedings.—Sections 529 531.)

from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

District or Subdivisional Magistrate may withdraw or refer cases.

528. (*1*) Any Chief Presidency Magistrate, District Magistrate or Subdivisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Power to authorise District Magistrate to withdraw classes of cases

(*2*) The Local Government may authorise the District Magistrate to withdraw from any Magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

(*3*) A Magistrate making an order under this section shall record in writing his reasons for making the same.

(*4*) The head of a village under Madras Regulation IV of 1821 is a Magistrate for the purposes of this section.

CHAPTER XLV.

OF IRREGULAR PROCEEDINGS.

Irregularities which do not vitiate proceedings.

529. If any Magistrate not empowered by law to do any of the following things, namely:—

(*a*) to issue a search-warrant under section 98;

(*b*) to order, under section 155, the police to investigate an offence;

(*c*) to hold an inquest under section 176;

(*d*) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(*e*) to take cognizance of an offence under section 190, sub-section (*1*), clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 192;

(*g*) to tender a pardon under section 337 or section 338;

(*h*) to sell property under section 524 or section 525; or

(*i*) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings.

530. If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely:—

(*a*) attaches and sells property under section 88;

(*b*) issues a search-warrant for a letter, parcel or other thing in the Post-office, or a telegram in the Telegraph Department;

(*c*) demands security to keep the peace;

(*d*) demands security for good behaviour;

(*e*) discharges a person lawfully bound to be of good behaviour;

(*f*) cancels a bond to keep the peace;

(*g*) makes an order under section 133, as to a local nuisance;

(*h*) prohibits, under section 143, the repetition or continuance of a public nuisance;

(*i*) issues an order under section 144,

(*j*) makes an order under Chapter XII;

(*k*) takes cognizance, under section 190, sub-section (*1*), clause (*c*), of an offence;

(*l*) passes a sentence, under section 349, on proceedings recorded by another Magistrate;

(*m*) calls, under section 435, for proceedings;

(*n*) makes an order for maintenance;

(*o*) revises, under section 515, an order passed under section 514;

(*p*) tries an offender;

(*q*) tries an offender summarily; or

(*r*) decides an appeal;

his proceedings shall be void.

Proceedings in wrong place.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong sessions division, district, subdivision or other local area, unless it appears that such error has in fact occasioned a failure of justice.

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLV.—Of Irregular Proceedings.—Sections 532-538. Chapter XLVI.—Miscellaneous.—Sections 539-540.)

When irregular commitments may be validated.

532. (*1*) If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment, objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.

(*2*) If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment and direct a fresh inquiry by a competent Magistrate.

Non-compliance with provisions of section 164 or 364.

533. (*1*) If any Court before which a confession or other statement of an accused person recorded or purporting to be recorded under section 164 or section 364 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Indian Evidence Act, 1872, section 91, such statement shall be admitted, if the error has not injured the accused as to his defence on the merits.

I of 1872.

(*2*) The provisions of this section apply to Courts of Appeal, Reference and Revision.

Omission to ask question prescribed by section 454 (2).

534. An omission to ask any person whether he is an European British subject, in a case to which sub-section (*2*) of section 454 applies, shall not affect the validity of any proceeding.

Effect of omission to prepare charge.

535. (*1*) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(*2*) If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be re-commenced from the point immediately after the framing of the charge.

Trial by jury of offence triable with assessors.

536. (*1*) If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.

Trial with assessors of offence triable by jury.

(*2*) If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

(*a*) of any error, omission or irregularity in the complaint, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or

(*b*) of the want of or any irregularity in any sanction required by section 195, or any irregularity in proceedings taken under section 476, or

(*c*) of the omission to revise any list of jurors or assessors in accordance with section 324, or

(*d*) of any misdirection in any charge to a jury unless such error, omission, irregularity, want or misdirection has in fact occasioned a failure of justice.

Explanation.—In determining whether any error, omission or irregularity in any proceeding under this Code has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

Illustration.

A Magistrate being required by law to sign a document signs it by initials only. This is purely an irregularity, and does not affect the validity of the proceeding.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

CHAPTER XLVI.

MISCELLANEOUS.

Courts and persons before whom affidavits may be sworn.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in England or Ireland, or any Magistrate authorised to take affidavits or affirmations in Scotland.

Power to summon material witness, or examine person present.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLVI.—Miscellaneous.—Sections 541-549.)

recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

541. (*1*) Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Power to appoint place of imprisonment.

(*2*) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

(*3*) When a person is removed to a criminal jail under sub-section (*1*), he shall, on being released therefrom, be sent back to the civil jail, unless either—

(*a*) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under

XIV of 1882. section 342 of the Code of Civil Procedure; or

(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the

XIV of 1882. Code of Civil Procedure.

542. (*1*) Notwithstanding anything contained in the Prisoners' Testimony

XV of 1869. Act, 1869, any Presidency Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.

(*2*) The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Interpreter to be bound to interpret truthfully.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Expenses of complainants and witnesses.

545. (*1*) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

Power of Court to pay expenses or compensation out of fine.

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

(*2*) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

Payments to be taken into account in subsequent suit.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Moneys ordered to be paid recoverable as fines.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith:

Copies of proceedings.

Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

549. (*1*) The Governor General in Council may make rules, consistent with this Code and the Army Act or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court to which this Code applies, or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Delivery to military authorities of persons liable to be tried by Court-martial.

44 & 45 Vict. c. 58.

44 & 45 Vict. c. 58.

The Code of Criminal Procedure, 1898.

(*Part IX.—Supplementary Provisions. Chapter XLVI.—Miscellaneous.—Sections 550-556.*)

Apprehension of such persons.

(*2*) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Powers to police to seize property suspected to be stolen.

550. Any police-officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police-officer, if subordinate to the officer in charge of a police-station, shall forthwith report the seizure to that officer.

Powers of superior officers of police.

551. Police-officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Power to compel restoration of abducted females.

552. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Compensation to persons groundlessly given in charge in presidency-town.

553. (*1*) Whenever any person causes a police-officer to arrest another person in a presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit.

(*2*) In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

(*3*) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

Power of chartered High Courts to make rules for inspection of records of subordinate Courts.

554. (*1*) With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of other High Courts to make rules for other purposes.

(*2*) Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,—

(*a*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*b*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(*c*) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(*d*) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(*3*) All rules made under this section shall be published in the local official Gazette.

Forms.

555. Subject to the power conferred by section 553, and by section 15 of the Indian High Courts Act, 1861, the forms set forth in the fifth schedule, with such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient. 24 & 25 Vi c. 104.

Case in which Judge or Magistrate is personally interested.

556. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in

The Code of Criminal Procedure, 1898.

(Part IX.—Supplementary Provisions. Chapter XLVI.—Miscellaneous.—Sections 557-564.)

any case by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

Illustration.

A, as Collector, upon consideration of information furnished to him, directs the prosecution of B for a breach of the Excise Laws. A is disqualified from trying this case as a Magistrate.

Practising pleader not to sit as Magistrate in certain Courts.

557. No pleader who practises in the Court of any Magistrate in a presidency-town or district, shall sit as a Magistrate in such Court or in any Court within the jurisdiction of such Court.

Power to decide language of Courts.

558. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

Powers of Governor General in Council and Local Government exerciseable from time to time.

559. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Officers concerned in sales not to purchase or bid for property.

560. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

Special provisions with respect to offence of rape by a husband.

561. (*1*) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

(*a*) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(*b*) commit the man for trial for the offence:

(*2*) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a police-officer with respect to such an offence as is referred to in sub-section (*1*), no police-officer of a rank below that of police-inspector shall be employed either to make, or to take part in, the investigation.

First Offenders.

Power to Court to release upon probation of good conduct instead of sentencing to punishment.

562. In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating, or any other offence under the Indian Penal Code XLV of 1 punishable with not more than two years' imprisonment before any Court, and no previous conviction is proved against him, if it appears to the Court before whom he is so convicted, that, regard being had to the youth, character and antecedents of the offender, to the trivial nature of the offence and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, and during such period (not exceeding one year) as the Court may direct, to appear and receive sentence when called upon, and in the meantime to keep the peace and be of good behaviour :

Provided that, where any first offender is convicted by a Magistrate of the third class, or a Magistrate of the second class not specially empowered by the Local Government in this behalf, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the first class or Sub-divisional Magistrate, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in manner provided by section 380.

Provision in case of offender failing to observe conditions of his recognizances.

563. (*1*) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(*2*) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence.

Conditions as to abode of offender.

564. (*1*) The Court, before directing the release of an offender under section 562, shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely

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(*Part IX.—Supplementary Provisions. Chapter XLVI.—Miscellaneous.—Section 565.*)

to live during the period named for the observance of the conditions.

(2) Nothing in this section or in sections 562 and 563 shall affect the provisions of section 31 of the Reformatory Schools Act, 1897. VIII of 1897.

Previously convicted Offenders.

565. (1) When any person, having been convicted of any offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again convicted of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards by a High Court, Court of Session, Presidency Magistrate, District Magistrate, Subdivisional Magistrate, or any Magistrate of the first class specially empowered by the Local Government in this behalf, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of residence after release be notified, as hereinafter provided, for a term not exceeding five years from the date of the expiration of such sentence.

Order for notifying address of previously convicted offender.

XLV of 1860.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The Local Government, with the previous sanction of the Governor General in Council, may make rules to carry out the provisions of this section relating to the notification of residence by released convicts.

(4) Any person refusing or neglecting to comply with any rule so made shall be punishable as if he had committed an offence under section 176 of the Indian Penal Code.

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(Schedule I.—Enactments repealed.)

SCHEDULE I.

ENACTMENTS REPEALED.

(See section 2.)

Year.	No.	Short title or subject.	Extent of repeal.
1875	X	High Courts' Criminal Procedure .	The whole.
1882	X	The Code of Criminal Procedure, 1882 .	The whole.
1884	III	The Criminal Procedure Code Amendment Act, 1884.	The whole.
1886	X	Amending the Code of Criminal Procedure, 1882, and certain other Acts.	Sections 1 to 19 (both inclusive).
1887	V	Amending the Code of Criminal Procedure, 1882.	The whole.
"	XIV	The Indian Marine Act, 1887 . .	Section 78.
1889	I	The Metal Tokens Act, 1889 . .	Section 7.
"	V	Abolishing the office of Coroner of Madras.	Section 4, sub-section (*1*).
"	XI	The Lower Burma Courts Act, 1889 .	So much of the second schedule as relates to the Code of Criminal Procedure, 1882.
"	XIII	The Cantonments Act, 1889 . .	So much of the schedule as relates to the Code of Criminal Procedure, 1882.
1891	III	Amending the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.	Section 9.
"	IV	Amending the Code of Criminal Procedure, 1882.	The whole.
"	X	Amending the Indian Penal Code and the Code of Criminal Procedure, 1882.	Sections 2 and 3.
"	XII	The Repealing and Amending Act, 1891	So much as relates to the Code of Criminal Procedure, 1882.
1894	III	Amending the Code of Criminal Procedure, 1882, and the Indian Penal Code.	Sections 1 to 4 (both inclusive).
"	X	Amending the Code of Criminal Procedure, 1882.	The whole.
1895	IV	Amending sections 366 and 371 of the Code of Criminal Procedure, 1882.	The whole.
1896	XIII	Amending the Code of Criminal Procedure, 1882.	The whole.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies also to the police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

XLV of 1860.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto . . .	Ditto	Ditto . .	Ditto . .	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto . . .	Ditto . . .	Ditto . .	Ditto .	Ditto	Ditto.
115	Abetment of an offence, punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto . . .	Ditto .	Not bailable.	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER V.—ABETMENT—*concluded.*

1	2	3	4	5	6	7	8
Section. (Act XLV of 1860.)	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
115	If an act which causes harm be done in consequence of the abetment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable .	According as the offence abetted is compoundable or not.	Imprisonment of either description for 14 years and fine.	The Court by which the offence abetted is triable.
116	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto . . .	Ditto . . .	According as the offence abetted is bailable or not.	Ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto . . .	Ditto	Ditto . .	Ditto .	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed	Ditto . .	Ditto . . .	Not bailable	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed.	Ditto .	Ditto . . .	Ditto . .	Ditto .	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto .	Ditto .	According as the offence abetted is bailable or not.	Ditto . .	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

	If the offence be punishable with death or transportation for life.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
	If the offence be not committed.	Ditto	Ditto	Ditto	Ditto	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant	Not bailable	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto	Ditto	Ditto	Ditto	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, etc., with the intention of waging war against the Queen.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for ten years and fine.	Ditto.
124	Assaulting Governor General, Governor, etc., with intent to compel or restrain the exercise of any lawful power.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter VI.—Offences against the State.)

SCHEDULE II—*continued*.

CHAPTER VI.—OFFENCES AGAINST THE STATE—*continued*.

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
124A	**Sedition**	Shall not arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Court of Session, Chief Presidency Magistrate or District Magistrate on Magistrate of the first class specially empowered by the Local Government in that behalf.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Court of Session.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or war in his custody to escape.	Ditto . . .	Ditto	Bailable .	Ditto . .	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Death, or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier or sailor.	Ditto . . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons . .	Ditto . .	Ditto . .	Fine of 500 rupees . .	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1	2	3	4	5	6	7	8
XLV of 1860. Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
143	Being member of an unlawful assembly.	May arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto . . .	Ditto . . .	Ditto .	Ditto . .	Ditto	Ditto.
147	Rioting	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto . .	The same as for the offence .	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto . .	Ditto . .	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after	Ditto . . .	Summons . .	Bailable .	Ditto . .	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter VIII.—Offence against the Public Tranquillity.)

	it has been commanded to disperse.						
152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed . . .	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
153A	Promoting enmity between classes.	Shall not arrest without warrant.	Warrant . .	Not bailable .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
154	Owner or occupier of land not giving information of riot, etc.	Ditto . . .	Summons . .	Bailable .	Ditto . .	Fine of 1,000 rupees . .	Presidency Magistrate or Magistrate of the first or second class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
159	Or to go armed . . .	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray . .	Shall not arrest without warrant.	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter IX.—Offences by or relating to Public Servants.)

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

LV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

168	Public servant unlawfully engaging in trade.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, etc., in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, etc., require attendance in person, etc., in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the lawful authority of Public Servants.)

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—*continued.*

1	2	3	4	5	6	7	8
XLV of 1860. Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, etc., in a Court of Justice.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the lawful authority of Public Servants.)

	If the notice or information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
	If the information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—*continued.*

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Shall not arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the lawful authority of Public Servants. Chapter XI.—False Evidence and Offences against Public Justice.)

188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	If such disobedience causes danger to human life, health or safety, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto	Ditto	Not bailable	Ditto	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto	Ditto	Ditto	Ditto	Death or as above	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Shall not arrest without warrant.	Warrant . .	Bailable	Not compoundable.	The same as for the offence .	Court of Session.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto . . .	Ditto . . .	According as the offence of giving such evidence is bailable or not.	Ditto . .	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto . . .	Ditto . . .	Bailable.	Ditto . .	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto . . .	Ditto . . .	Ditto . .	Ditto .	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)

	screen the offender, if a capital offence.						
	If punishable with transportation for life or imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

1	2	3	4	5	6	7	8
XLV of 1860. Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
	If offences charged be punishable with imprisonment for seven years or upwards.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If offence charged be capital, or punishable with transportation for life.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session.

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212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Ditto.
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, etc., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto . . .	Ditto . . .	Ditto .	Ditto . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

1	2	3	4	5	6	7	8
XLV of 1860. Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
214—*contd.*	If punishable with transportation for life or with imprisonment for 10 years.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, with or without fine.	Ditto.
	If with imprisonment for 1 year, and not for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class or Court by

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(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)

							which the offence is triable.
216A	Harbouring robbers or dacoits	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life or imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
221—*contd.*	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice if under sentence of death.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Ditto . . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

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225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
	If under sentence of death .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
225A	Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for—						
	(*a*) in case of intentional omission or sufferance;	Shall not arrest without warrant.	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	(*b*) in case of negligent omission or sufferance.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*concluded.*

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation.	Ditto	Ditto	Not bailable	Ditto	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons	Ditto	Ditto	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto	Ditto	Bailable	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.
229	Personation of a juror or assessor.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.

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(Schedule II.—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps.)

232	*Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.*	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin . . .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Court of Session.
236	Abetting in British India the counterfeiting out of British India of coin.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . .	Ditto .	Transportation for life or imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto . . .	Ditto . . .	Ditto . .	Ditto .	Ditto	Ditto.

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Schedule II—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps.)

246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*concluded.*

XLV of 1860. Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
255	Counterfeiting a Government stamp.	May arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either de-	Presidency Mag-

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(Schedule II.—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps. Chapter XIII.—Offences relating to Weights and Measures. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.)

	known to have been before used.					scription for 2 years, or fine, or both.	istrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
263A	Fictitious stamps . . .	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Fine of 200 rupees . .	Presidency Magistrate or Magistrate of the first class.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first of second class.
265	Fraudulent use of false weight or measure.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

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(Schedule II.—Tabular Statement of Offences. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.)

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—*continued.*

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Fine of 500 rupees . .	Ditto.

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(Schedule II.—Tabular Statement of Offences. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.)

279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Fine of 200 rupees . .	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, etc.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—*concluded.*

1	2	3	4	5	6	7	8
XLV of 1860 Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
290	Committing a public nuisance	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Fine of 200 rupees	Ditto.
291	Continuance of nuisance after injunction to discontinue	May arrest without warrant.	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, etc., of obscene books, etc.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene books, etc., for sale or exhibition.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
294	Obscene songs	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
294A	Keeping a lottery office	Shall not arrest without warrant.	Summons	Ditto	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto	Ditto	Ditto	Ditto	Fine of 1,000 rupees	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	2	3	4	5	6	7	8
295	Destroying, damaging or	May arrest without	Summons	Bailable	Not com-	Imprisonment of either de-	Presidency Mag-

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XV.—Offences relating to Religion. Chapter XVI.—Offences affecting the Human Body. Of Offences affecting Life.)

	defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	warrant.			poundable.	scription for 2 years, or fine, or both.	istrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in place of worship or sepulture, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Compoundable.	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Of Offences affecting Life.

302	Murder	May arrest without warrant.	Warrant . .	Not bailable.	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Offences affecting Life—concluded.

XLV of 1860.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
304—*contd.*	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 10 years, or fine, or both.	Court of Session.
304A	Causing death by rash or negligent act.	Ditto . . .	Ditto . . .	Bailable.	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
305	Abetment of suicide committed by a child, or insane or delirious person or an idiot, or a person intoxicated.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
	If such act cause hurt to any person.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or as above.	Ditto.
	Attempt by life-convict to murder, if hurt is caused.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Death or as above . .	Ditto.
308	Attempt to commit culpable homicide.	Ditto . .	Ditto . . .	Bailable	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Offences affecting Life. Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.)

309	Attempt to commit suicide .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug . .	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage . .	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births—concld.

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
318	Concealment of birth by secret disposal of dead body.	May arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
				Of Hurt.			
323	Voluntarily causing hurt .	Shall not arrest without warrant.	Summons . .	Bailable .	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto . . .	Ditto . .	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto . . .	Ditto . . .	Not bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain	Ditto . .	Warrant . .	Ditto . .	Ditto .	Imprisonment of either description for 10 years and fine.	Court of Session.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Hurt.)

	to do anything which is illegal or which may facilitate the commission of an offence.						
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	Ditto . . .	Ditto . . .	Bailable . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto . . .	Ditto . . .	Not bailable.	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto . . .	Ditto	Not bailable.	Ditto . .	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons . .	Bailable	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Hurt—concluded.

XLV of 1860.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons . .	Bailable .	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto . . .	Ditto . . .	Ditto . .	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, etc.	Ditto . . .	Ditto . . .	Ditto . .	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of Wrongful Restraint and Wrongful Confinement.

1	2	3	4	5	6	7	8
341	Wrongfully restraining any person.	May arrest without warrant.	Summons . .	Bailable .	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Wrongful Restraint and Wrongful Confinement; of Criminal Force and Assault.)

342	Wrongfully confining any person.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto . . .	Ditto . . .	Ditto . .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons . .	Bailable .	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Criminal Force and Assault—concluded.

1 Section. XLV of 1860.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto . . .	Ditto . . .	Ditto .	Ditto . .	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons . .	Ditto . .	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons . .	Ditto . .	Compoundable.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Abduction, Slavery and Forced Labour.

363	Kidnapping . . .	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Mag-

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Kidnapping, Abduction, Slavery and Forced Labour.)

							istrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Court of Session.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto . . .	Bailable .	Ditto . .	Ditto	Court of Session.
371	Habitual dealing in slaves .	May arrest without warrant.	Ditto . . .	Not bailable .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
372	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purposes.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Kidnapping, Abduction, Slavery and Forced Labour; of Rape; of Unnatural Offences. Chapter XVII.—Offences against Property. Of Theft.)

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*concluded*

Of Kidnapping, Abduction, Slavery and Forced Labour—concluded.

XLV of 1860

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
374	Unlawful compulsory labour .	May arrest without warrant.	Warrant . .	Bailable .	Compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
			Of Rape.				
376	Rape—						
	If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons . .	Bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
	In any other case . .	May arrest without warrant.	Warrant . .	Not bailable .	Ditto . .	Ditto	Ditto.
			Of Unnatural Offences.				
377	Unnatural offences . .	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Theft; of Extortion.)

380	Theft in a building, tent or vessel.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of Extortion.

384	Extortion	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto . . .	Ditto . . .	Not bailable.	Ditto . .	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Extortion—concluded.

XLV of 1860. 1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
	If the offence threatened be an unnatural offence.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life . .	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life . .	Ditto.

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for 7 years and fine.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Robbery and Dacoity; of Criminal Misappropriation of Property.)

394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life or rigorous imprisonment for 10 years and fine.	Ditto.
395	Dacoity	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session.
396	Murder in dacoity . .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Death, transportation for life or rigorous imprisonment for 10 years and fine.	Ditto.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
399	Making preparation to commit dacoity.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Rigorous imprisonment for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Criminal Misappropriation of Property—continued.

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
405	If by clerk or person employed by deceased.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust .	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto . . .	Ditto . . .	Ditto . .	Ditto .	Ditto	Court of Session, Presidency Magistrate or Magis-

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(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Criminal Breach of Trust; of the Receiving of Stolen Property; of Cheating.)

							trate of the first or second class.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Transportation for life or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Of the Receiving of Stolen Property.						
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant . .	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . . .	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	Of Cheating.						
417	Cheating	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Cheating; of Fraudulent Deeds and Disposition of Property.)

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Cheating—continued.

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation .	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of Fraudulent Deeds and Disposition of Property.

1	2	3	4	5	6	7	8
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
424	Fraudulent removal or concealment of property, of himself,	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

	or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.						
				Of Mischief.			
426	Mischief	Shall not arrest without warrant.	Summons . .	Bailable .	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	May arrest without warrant.	Ditto . .	Ditto . .	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate, or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Mischief—concluded.

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	May arrest without warrant.	Warrant . . .	Bailable .	Not compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto . . .	Ditto .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or im-	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Mischief; of Criminal Trespass.)

	last section when committed by fire or any explosive substance.					prisonment of either description for 10 years and fine.	
439	Running vessel ashore with intent to commit theft, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
440	Mischief committed after preparation made for causing death, or hurt, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of Criminal Trespass.

447	Criminal trespass . .	May arrest without warrant.	Summons . .	Bailable .	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass . . .	Ditto . . .	Warrant . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto . . .	Ditto . . .	Not bailable .	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto . . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft . .	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Criminal Trespass—concluded.

1	2	3	4	5	6	7	8
XLV of 1860. Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate, or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto . . .	Ditto . . .	Ditto . .	Ditto .	Imprisonment of either description for 5 years and fine.	Ditto.

	If the offence is theft . .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto . . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XVII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.

465	Forgery	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 2 years or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS—*continued.*

1	2	3	4	5	6	7	8
XLV of 1860. Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Shall not arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto . . .	Ditto .	Ditto . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto . . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Punishment for forgery of such document.	Same Court as that by which the forgery is triable.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto . . .	Ditto .	Ditto . .	Ditto	Court of Session.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks.)

473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Imprisonment of either description for 7 years and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, etc.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
477 A	Falsification of accounts .	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS—*concluded.*

Of Trade and Property Marks.

1	2	3	4	5	6	7	8
Section. (XLV of 1860.)	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
482	Using a false trade or property mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Ditto . . .	Summons . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magis-

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks. Of Trade and Property Marks. Chapter XIX.—Criminal Breach of Contracts of Service.)

	believed that it contains goods which it does not contain, etc.						trate of the first or second class.
488	Making use of any such false mark.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey or to convey or guard any property or person and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons . .	Bailable .	Compoundable.	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment or either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

XLV of 1860.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant . .	Not bailable .	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto . . .	Ditto . . .	Bailable .	Ditto . .	Imprisonment of either description for 7 years, and fine.	Ditto.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . .	Imprisonment of either description for 10 years, and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 7 years, and fine.	Ditto.
497	Adultery	Ditto . . .	Ditto . . .	Bailable .	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

500	Defamation	Shall not arrest with-	Warrant . .	Bailable .	Compound .	Simple imprisonment for 2	Court of Ses-

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(Schedule II.—Tabular Statement of Offences. Chapter XXI.—Defamation. Chapter XXII.—Criminal Intimidation, Insult and Annoyance.)

		out warrant.			able.	years, or fine, or both.	sion, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Ditto	Ditto.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant . .	Bailable .	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace.	Ditto . . .	Ditto . . .	Not bailable .	Not compoundable.	Ditto	Presidency Magistrate or Magistrate of the first class.
506	Criminal intimidation . .	Ditto . . .	Ditto . . .	Bailable .	Compoundable.	Ditto	Ditto.
	If threat be to cause death or grevious hurt, etc.	Ditto . . .	Ditto . . .	Ditto . .	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 2 years in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XXII.—Criminal Intimidation, Insult and Annoyance. Chapter XXIII.—Attempts to commit Offences. Offences against other Laws.)

SCHEDULE II—*concluded.*

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE—*concluded.*

XLV of 1860.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Shall not arrest without warrant.	Warrant . .	Bailable .	Not compoundable.	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

	If punishable with death, transportation or imprisonment for 7 years or upwards.	May arrest without warrant.	Warrant .	Not bailable .	Not compoundable.	.. ...	Court of Session.
	If punishable with imprisonment for 3 years and upwards but less than seven.	Ditto . . .	Ditto . . .	Ditto . . Except in cases under the Indian Arms Act,	Ditto . .	......	Court of Session, Presidency Magistrate or Magistrate of the

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(Schedule II.—Tabular Statement of Offences. Offences against other Laws.)

			1878, section 19, which shall be bailable.			first class.
If punishable with imprisonment for one year and upward, but less than 3 years.	Shall not arrest without warrant.	Summons . .	Bailable .	Ditto . .	......	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
If punishable with imprisonment for less than one year, or with fine only.	Ditto . . .	Ditto . . .	Ditto . .	Ditto . .	......	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule III.—Ordinary Powers of Provincial Magistrates.)

SCHEDULE III.

(See section 36.)

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

(1) Power to arrest or direct the arrest, and to commit to custody, a person committing an offence in his presence, section 64.
(2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.
(3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 86.
(4) Power to issue proclamations in cases judicially before him, section 87.
(5) Power to attach and sell property in cases judicially before him, section 88.
(6) Power to restore attached property, section 89.
(7) Power to require search to be made for letters and telegrams, section 95.
(8) Power to issue search-warrant, section 96.
(9) Power to endorse a search-warrant and order delivery of thing found, section 99.
(10) Power to command unlawful assembly to disperse, section 127.
(11) Power to use civil force to disperse unlawful assembly, section 128.
(12) Power to require military force to be used to disperse unlawful assembly, section 130.
(13) Power to record statements or confessions during a police-investigation, section 164.
(14) Power to authorise detention of a person during a police-investigation, section 167.
(15) Power to detain an offender found in Court, section 351.
(16) Power to take cognizance of offence, although committed by European British subject, and to issue process returnable before a Magistrate having jurisdiction, section 445
(17) Power to apply to District Magistrate to issue commission for examination of witness, section 506 (2).
(18) Power to recover forfeited bond for appearance before Magistrate's Court, section 514.
(19) Power to make order as to disposal of property, section 517.
(20) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.
(3) Power to postpone issue of process, section 202.
(4) Power to order destruction of libellous and other matter, section 521.

III.—Ordinary Powers of a Magistrate of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.
(6) Power to discharge sureties, section 126.
(7) Power to make orders, etc., in possession cases, sections 145, 146 and 147.
(8) Power to commit for trial, section 206.
(9) Power to stop proceedings when no complainant, section 249.
(10) Power to make orders of maintenance, sections 488 and 489.
(11) Power to take evidence on commission, section 503.
(12) Power to recover penalty on forfeited bond, section 514.
(13) Power to make order as to first offenders, section 562.

IV.—Ordinary Powers of a Subdivisional Magistrate.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to require security for good behaviour, section 110.
(4) Power to make orders as to local nuisances, section 133.
(5) Power to make orders prohibiting repetitions of nuisances, section 143.
(6) Power to make orders under section 144.
(7) Power to depute Subordinate Magistrate to make local inquiry, section 148
(8) Power to order police-investigation into cognizable case, section 156.
(9) Power to receive report of police-officer and pass order, section 173.
(10) Power to hold inquests, section 174.
(11) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
(12) Power to entertain complaints, section 190.
(13) Power to receive police-reports, section 190.
(14) Power to entertain cases without complaint, section 190.
(15) Power to transfer cases to a Subordinate Magistrate, section 192.
(16) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349
(17) Power to forward record of inferior Court to District Magistrate, section 435 (2).
(18) Power to sell property alleged or suspected to have been stolen, etc., section 524.
(19) Power to withdraw cases other than appeals, and to try or refer them for trial, section 528.
(20) Power to order released convicts to notify residence, section 565.

The Code of Criminal Procedure, 1898.

(Schedule III.—Ordinary Powers of Provincial Magistrates. Schedule IV.—Additional Powers with which Provincial Magistrates may be invested.)

SCHEDULE III—*continued.*

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Subdivisional Magistrate.
(2) Power to require delivery of letters, telegrams, etc., section 95.
(3) Power to issue search-warrants for documents in custody of postal or telegraph authorities, section 96.
(4) Power to require security for good behaviour in case of sedition, section 108.
(5) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
(6) Power to cancel bond for keeping the peace, section 125.
(7) Power to try summarily, section 260.
(8) Power to quash convictions in certain cases, section 350.
(9) Power to hear appeals from orders requiring security for good behaviour, section 406.
(10) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
(11) Power to call for records, section 435.
(12) Power to order commitment, section 436.
(13) Power to order inquiry into complaint dismissed or case of accused discharged, section 437.
(14) Power to report case to High Court, section 438.
(15) Power to try European British subjects, section 443.
(16) Power to sentence European British subject to more than three months' imprisonment or one thousand rupees fine, or both, section 446.
(17) Power to appoint person to be public prosecutor in particular case, section 492 (2).
(18) Power to issue commission for examination of witness, sections 503, 506.
(19) Power to hear appeals from or revise orders passed under section 514, section 515.
(20) Power to compel restoration of abducted female, section 552.

SCHEDULE IV.

(See sections 37 and 38.)

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED.

BY THE LOCAL GOVERNMENT.

(1) Power to require security for good behaviour in case of sedition, section 108:
(2) Power to require security for good behaviour, section 110:
(3) Power to make orders as to local nuisances, section 133:
(4) Power to make orders prohibiting repetitions of nuisances, section 143:
(5) Power to make orders under section 144:
(6) Power to hold inquests, section 174:
(7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186:
(8) Power to take cognizance of offences upon complaint, section 190:
(9) Power to take cognizance of offences upon police-reports, section 190:
(10) Power to take cognizance of offences without complaint, section 190:
(11) Power to try summarily, section 260:
(12) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407:
(13) Power to sell property alleged or suspected to have been stolen, etc., section 524:
(14) Power to order released convicts to notify residence, section 565:
(15) Power to try cases under section 124A of the Indian Penal Code.

BY THE DISTRICT MAGISTRATE.

(1) Power to make orders prohibiting repetitions of nuisances, section 143:
(2) Power to make orders under section 144:
(3) Power to hold inquests, section 174:
(4) Power to take cognizance of offences upon complaint, section 190:
(5) Power to take cognizance of offences upon police-reports, section 190:
(6) Power to transfer cases, section 192:

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(Schedule IV.—Additional Powers with which Provincial Magistrates may be invested.)

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED.	BY THE LOCAL GOVERNMENT.	(1) Power to pass sentences of whipping, section 32: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 190: (6) Power to take cognizance of offences upon police-reports, section 190: (7) Power to take cognizance of offences without complaint, section 190: (8) Power to commit for trial, section 206: (9) Power to make order as to first offenders, section 562.
	BY THE DISTRICT MAGISTRATE.	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 190: (5) Power to take cognizance of offences upon police-reports, section 190:
POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED.	BY THE LOCAL GOVERNMENT.	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 190: (5) Power to take cognizance of offences upon police-reports, section 190: (6) Power to commit for trial, section 206:
	BY THE DISTRICT MAGISTRATE.	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 190: (5) Power to take cognizance of offence upon police-reports, section 190:
POWERS WITH WHICH A SUBDIVISIONAL MAGISTRATE MAY BE INVESTED.	BY THE LOCAL GOVERNMENT.	Power to call for records, section 435.

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(Schedule V.—Forms.)

SCHEDULE V.

(See section 554.)

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(See section 68.)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*) before the (*Magistrate*) of , on the day of . Herein fail not.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

II.—WARRANT OF ARREST.

(See section 75.)

To (*name and designation of the person or persons who is or are to execute the warrant.*)

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

(See section 76.)

This warrant may be endorsed as follows :—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of) to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 18 .

(*Signature.*)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(See section 86.)

I, (*name*) of , being brought before the District Magistrate of (*or as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next, to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit, to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(See section 87.)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be

The Code of Criminal Procedure, 1898.

(Schedule V.—Forms.)

SCHEDULE V—*continued.*

found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or* before me) to answer the said complaint within days from this date.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place* before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(*See section 88.*)

To the Police-officer in charge of the Police-station at .

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorise and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

ORDER AUTHORISING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 88.*)

To the Deputy Commissioner of the District of .

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant) and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the district of .

You are hereby authorised and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 90.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (*name*) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 96.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorise and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 98.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorise and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or if the search is to be confined to a part, specify the part clearly*), and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)], and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 107.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

(*Signature.*)

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

XI.—BOND FOR GOOD BEHAVIOUR.

(See sections 108, 109 and 110.)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all Her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all Her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

(*Where a bond with sureties is to be executed, add*)—We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(See section 114.)

To of .

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorised agent) at the Office of the Magistrate of on the day of 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add,* and also to give security by the bond of one (*or* two, *as the case may be*) surety (*or* sureties) in the sum of rupees (each *if more than one*)], that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(See section 123.)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and address*) appeared before me in person (*or* by his authorised agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (or a bond with two sureties each in rupees), that he, the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety (*or* sureties) entering into the said bond, in which case the same shall be received, and the said (*name*) released, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(See section 123.)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the district of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber (*or* housebreaker, etc., *as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees , and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety

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(*Schedule V.—Forms.*)

SCHEDULE V—*continued.*

(*or* sureties) entering into the said bond, in which case the same shall be received and the said (*name*) released, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See sections 123 and 124.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of the Court, dated the day of , and has since duly given security under section of the Code of Criminal Procedure;

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorise and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 133.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*) which, etc. (*describe the road or public place*), by, etc., (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, etc., etc. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, etc.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*); or to appear, etc.

or

I do hereby direct and require you, etc., etc. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 138.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me, by a petition bearing date the day of , for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, etc., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 140.*)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*), on peril of the penalty provided by the Indian Penal Code for disobedience thereto. XLV of 1860.

Given under my hand and the seal of the Court, this day of , 18 .

Seal.) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(*See section 142.*)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, ETC., OF A NUISANCE.

(*See section 143.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, etc. (*state the proper recital, guided by* Form No. XVI or Form No. XXI, *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, etc. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.

(*See section 144.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public street, etc. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, etc., etc., (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road;

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or, as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 145.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*), situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true.

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, ETC.

(*See section 146.*)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorise and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER.

(*See section 147.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (*the claimant or claimants of possession*) or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(*See section 169.*)

I, (*name*), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of ,

The Code of Criminal Procedure, 1898.

(Schedule V.—Forms.)

SCHEDULE V—*continued.*

or

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* we jointly and severally declare ourselves and each of us) surety (*or* sureties) for the abovesaid that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 170.*)

I, (*name*), of (*place*), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or* to prosecute and give evidence) (*or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 218.*)

THE Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government lPeader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 221, 222, 223.*)

(I)—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, etc.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

On Penal Code, section 121.

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*)]:—

(2) That you, on or about the day of , at , with the intention of inducing the Hon'ble *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 124.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 161.

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] , such conduct being contrary to the provisions of Act , section , and known by you to be prejudicial to , and thereby committed an offence punish-

On section 166.

The Code of Criminal Procedure, 1898.
(*Schedule V.—Forms.*)

SCHEDULE V—*continued.*

able under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(5) That you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 193.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 304.

(7) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 306.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 325.

(9) That you, on or about the day of , at , robbed [*state the name*] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 392.

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

[*In cases tried by Magistrates substitute* " within my cognizance " *for* " within the cognizance of the Court of Session, " and in (*c*) *omit* " by the said Court"].

(II)—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) *First.*—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 241.

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*)]:—

(2) *First.*—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 302 and 304.

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(3) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 379 and 382.

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

(4) That you, on or about the day of , at , in the course of the inquiry into , before , stated in evidence that " ", and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ," one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charges on section 193.

[*In cases tried by Magistrates substitute* "within my cognizance" "*for* within the cognizance of the Court of Session" *and in* (c) *omit* "by the said Court".]

(III)—CHARGE FOR THEFT AFTER PREVIOUS CONVICTION.

I, (*name and office of Magistrate, etc.*), hereby charge you (*name of accused person*) as follows:—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* {High Court / Magistrate} *as the case may be*].

And you, the said (*name of accused*), stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, etc.

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 245 and 258.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or* sections) of the Indian Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and there carry the aforesaid sentence nto execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 250.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXI.—SUMMONS TO WITNESS.

(*See sections 68 and 252.*)

To of .

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.) *(Signature.)*

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(See section 326.)

To the District Magistrate of

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A.M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(Here enter the names of Jurors and Assessors.)

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.) *(Signature.)*

XXXIII.—SUMMONS TO ASSESSOR OR JUROR.

(See section 328.)

To *(name)* of *(place)*.

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or* a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at *(place)* at ten o'clock in the forenoon on the day of next.

Given under my hand and the seal of office, this day of , 18 .

(Seal.) *(Signature.)*

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(See section 374.)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at the Session held before me on the day of 18 , *(name of prisoner)*, the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said *(prisoner's name)* into your custody in the said Jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.) *(Signature.)*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(See section 381.)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS *(name of prisoner)*, the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death; and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorise and require you, the said Superintendent (*or* Keeper), to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at *(time and*

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

place of execution), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381 and 382.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or as the case may be*);

This is to authorise and require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words " custody in the said jail " "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of 18 , convicted before me of the offence of (*mention the offence concisely*), and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorise and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To the Superintendent (*or* Keeper) of the Jail at ,

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorise and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal*) (*Signature.*)

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(See section 485.)

To (*name and designation of officer of Court*).

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorise and require you to take the said (*name*) into custody, and him safely to keep in your custody for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(See section 488.)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [*or* his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or* himself)] and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees ; being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(See section 488.)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

This is to authorise and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(See sections 496 and 499.)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*), charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and, should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of 18 .

(*Signature.*)

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(Schedule V.—Forms.)

SCHEDULE V—*continued.*

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and, in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XLIII.—Warrant to discharge a Person imprisoned on Failure to give Security.

(*See section 500.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

Whereas (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure ;

This is to authorise and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIV.—Warrant of Attachment to enforce a Bond.

(*See section 514.*)

To the Police-officer in charge of the Police-station at .

Whereas (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him ;

This is to authorise and require you to attach any moveable property of the said (*name*) that you may find within the district of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLV.—Notice to Surety on Breach of a Bond.

(*See section 514.*)

To of .

Whereas on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India ; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVI.—Notice to Surety of Forfeiture of Bond for good Behaviour.

(*See section 514.*)

To of

Whereas on the day of , 18 you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas

The Code of Criminal Procedure, 1898.

(Schedule V.—Forms.)

SCHEDULE V—*continued.*

the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See section 514.*)

To of .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

This is to authorise and require you to attach any moveable property of the said (*name*) which you may find within the district of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 514.*)

To the Superintendent (*or* Keeper) of the civil jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*) and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the civil jail for (*specify the period*);

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, etc. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name, and designation of Police-officer*), at the Police-station of .

WHEREAS (*name and description*) did, on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, etc. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

The Code of Criminal Procedure, 1898.

(Schedule V.—Forms.)

SCHEDULE V—*concluded.*

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 514.)

To the Superintendent (*or* Keeper) of the civil jail at .

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the civil jail for the period of (*term of imprisonment*);

This is to authorise and require you, the said Superintendent (*or* Keeper) of the said civil jail, to receive the (*name*) into your custody, together with this warrant and him safely to keep in the said jail for the said period of (*term of imprisonment*); and to return that warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514.)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address*) did, on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it, as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514.)

To the Superintendent (*or* Keeper) of the civil jail at .

WHEREAS (*name, description and address*) did, on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the civil jail for the period of (*term of imprisonment*);

This is to authorise and require you, the Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1898, and is hereby promulgated for general information :—

ACT No. VI OF 1898.

THE INDIAN POST OFFICE ACT, 1898.

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The Indian Post Office Act 1898.

(Chapter I.—Preliminary.—Sections 1-3. Chapter II.—Privilege and Protection of the Government.—Section 4.)

An Act to consolidate and amend the Law relating to the Post Office in India.

WHEREAS it is expedient to consolidate and amend the law relating to the Post Office in India; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent, application and commencement.

1. (1) This Act may be called the Indian Post Office Act, 1898.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti; and it applies also to—

(a) all Native Indian subjects of Her Majesty in any place without and beyond British India;

(b) all other British subjects within the territories of any Native Prince or Chief in India; and

(c) all servants of the Queen, whether British subjects or not, within the territories of any Native Prince or Chief in India.

(3) It shall come into force on the first day of July, 1898.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression "Director General" means the Director General of the Post Office of India :

(b) the expression "inland," used in relation to a postal article, means—

(i) posted in British India and addressed to any place in British India or to any place for which a post office is established by the Governor General in Council beyond the limits of British India ; or

(ii) posted at any post office established by the Governor General in Council beyond the limits of British India and addressed to any place for which any such post office is established or to any place in British India :

(c) the expression "mail bag" includes a bag, box, parcel or any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article :

(d) the expression "mail ship" means a ship employed for carrying mails, pursuant to contract or continuing arrangement, by the Government of India or Her Majesty's Government or the Government of any British possession or foreign country :

(e) the expression "officer of the Post Office" includes any person employed in any business of the Post Office or on behalf of the Post Office :

(f) the expression "postage" means the duty chargeable for the transmission by post of postal articles :

(g) the expression "postage stamp" means any stamp provided by the Governor General in Council for denoting postage or other fees or sums payable in respect of postal articles under this Act, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article :

(h) the expression "post office" includes every house, building, room, carriage or place used for the purposes of the Post Office, and every letter-box provided by the Post Office for the reception of postal articles :

(i) the expression "postal article" includes a letter, postcard, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post :

(j) the expression "Post Master General" includes a Deputy Post Master General or other officer exercising the powers of a Post Master General : and

(k) the expression "the Post Office" means the department presided over by the Director General.

Meanings of "in course of transmission by post" and "delivery."

3. For the purposes of this Act,—

(a) a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the addressee or of its being returned to the sender or otherwise disposed of under Chapter VII :

(b) the delivery of a postal article of any description to a postman or other person authorized to receive postal articles of that description for the post shall be deemed to be a delivery to a post office : and

(c) the delivery of a postal article at the house or office of the addressee, or to the addressee or his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering postal articles to the addressee, shall be deemed to be delivery to the addressee.

CHAPTER II.

PRIVILEGE AND PROTECTION OF THE GOVERNMENT.

Exclusive privilege of conveying letters reserved to the Government.

4. (1) Wherever within British India posts or postal communications are established by the Governor General in Council, the Governor General in Council shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also

The Indian Post Office Act 1898.

(Chapter II.—Privilege and Protection of the Government.—Sections 5-6. Chapter III.—Postage.—Sections 7-9.)

have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say:—

(*a*) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;

(*b*) letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose; and

(*c*) letters solely concerning goods or property, sent either by sea or by land to be delivered with the goods or property which the letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them:

Provided that nothing in this section shall authorize any person to make a collection of letters excepted as aforesaid for the purpose of sending them otherwise than by post.

(*2*) For the purposes of this section and section 5, the expression "letters" includes postcards.

Certain persons expressly forbidden to convey letters.

5. Wherever within British India posts or postal communications are established by the Governor General in Council, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no hire, reward or other profit or advantage for so doing, that is to say:—

(*a*) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages; and

(*b*) owners and masters of vessels sailing or passing on any river or canal in British India, or between any ports or places in British India, and their servants or agents, except as regards letters solely concerning goods on board, and except as regards postal articles received for conveyance under Chapter VIII.

Exemption from liability for loss, misdelivery, delay or damage.

6. The Secretary of State for India in Council shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken by the Governor General in Council as hereinafter provided; and no officer of the Post Office shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his wilful act or default.

CHAPTER III.

POSTAGE.

Power to fix rates of inland postage.

7. (*1*) The Governor General in Council may, by notification in the Gazette of India, fix the rates of postage and other sums to be charged in respect of postal articles sent by the inland post under this Act, and may make rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged:

Provided that the highest rate of postage, when prepaid, shall not exceed the rate set forth for each class of postal articles in the first schedule.

(*2*) Unless and until such notification as aforesaid is issued, the rates set forth in the said schedule shall be the rates chargeable under this Act.

(*3*) The Governor General in Council may, by notification in the Gazette of India, declare what packets may be sent by the inland post as book, pattern and sample packets within the meaning of this Act.

Power to make rules as to payment of postage and fees in certain cases.

8. The Governor General in Council may, by rule,—

(*a*) require the prepayment of postage on inland postal articles or any class of inland postal articles, and prescribe the manner in which prepayment shall be made;

(*b*) prescribe the postage to be charged on inland postal articles when the postage is not prepaid or is insufficiently prepaid;

(*c*) provide for the redirection of postal articles and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules; and

(*d*) prescribe the fees to be charged for the "express delivery" of postal articles, in addition to, or instead of, any other postage chargeable thereon under this Act.

Explanation.—"Express delivery" means delivery by a special messenger or conveyance.

Power to make rules as to registered newspapers.

9. (*1*) The Governor General in Council may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers.

(*2*) For the purpose of such registration, every publication, consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely:—

(*a*) that it is published in numbers at intervals of not more than thirty-one days; and

(*b*) that it has a *bonâ fide* list of subscribers.

(*3*) An extra or supplement to a newspaper, bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper:

Provided that no such extra or supplement shall be so deemed unless it consists wholly or in great part of matter like that of the newspaper and has the title and date of publication of the newspaper printed at the top of each page.

Explanation.—Nothing in this section or in the rules thereunder shall be construed to render it compulsory to send newspapers by the inland post.

The Indian Post Office Act 1898.

(Chapter III.—Postage.—Sections 10-15. Chapter IV.—Postage Stamps.—Sections 16-17. Chapter V.—Conditions of Transmission of Postal Articles.—Section 18.

Power to declare rates of foreign postage.

10. (*1*) Where arrangements are in force with the United Kingdom, or with any British possession or foreign country, for the transmission by post of postal articles between British India and the United Kingdom or such possession or country, the Governor General in Council may, in conformity with the provisions of such arrangements, declare what postage rates and other sums shall be charged in respect of such postal articles, and may make rules as to the scale of weight, terms and conditions subject to which the rates so declared shall be charged.

(*2*) Unless and until such declaration as aforesaid is made, the existing rates and regulations shall continue in force.

Liability for payment of postage.

11. (*1*) The addressee of a postal article on which postage or any other sum chargeable under this Act is due, shall be bound to pay the postage or sum so chargeable on his accepting delivery of the postal article, unless he forthwith returns it unopened :

Provided that, if any such postal article appears to the satisfaction of the Post Master General to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage.

(*2*) If any postal article on which postage or any other sum chargeable under this Act is due, is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Act.

Recovery of postage and other sums due in respect of postal articles.

12. If any person refuses to pay any postage or other sum due from him under this Act in respect of any postal article, the sum so due may, on application made by an officer of the Post Office authorized in this behalf by the written order of the Post Master General, be recovered for the use of the Post Office from the person so refusing, as if it were a fine imposed under this Act, by any Magistrate having jurisdiction where that person may for the time being be resident; and the Post Master General may further direct that any other postal article, not being on Her Majesty's service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

Customs-duty paid by the Post Office to be recoverable as postage.

13. When a postal article, on which any duty of customs is payable, has been received by post from any place beyond the limits of British India, and the duty has been paid by the postal authorities at any customs-port or elsewhere, the amount of the duty shall be recoverable as if it were postage due under this Act.

Post Office marks *primâ facie* evidence of certain facts denoted.

14. In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal article,—

(*a*) the production of the postal article, having thereon the official mark of the Post Office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *primâ facie* evidence of the fact so denoted, and

(*b*) the person from whom the postal article purports to have come, shall, until the contrary is proved, be deemed to be the sender thereof.

Official mark to be evidence of amount of postage.

15. The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Post Office of British India or to the Post Office of the United Kingdom or of any British possession or foreign country, shall be *primâ facie* evidence that the sum denoted as aforesaid is so due.

CHAPTER IV.

POSTAGE STAMPS.

Provision of postage stamps and power to make rules as to them.

16. (*1*) The Governor General in Council shall cause postage stamps to be provided of such kinds and denoting such values as he may think necessary for the purposes of this Act.

(*2*) The Governor General in Council may make rules as to the supply, sale and use of postage stamps.

(*3*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) fix the price at which postage stamps shall be sold;

(*b*) declare the classes of postal articles in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under this Act;

(*c*) prescribe the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other sums;

(*d*) regulate the custody, supply and sale of postage stamps;

(*e*) declare the persons by whom and the terms and conditions subject to which postage stamps may be sold; and

(*f*) prescribe the duties and remuneration of persons selling postage stamps.

Postage stamps to be deemed to be stamps for the purpose of revenue.

17. Postage stamps provided under section 16 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Indian Penal Code, and, subject to the other provisions of this Act, shall be used for the prepayment of postage or other sums chargeable under this Act in respect of postal articles, except where the Governor General in Council directs that prepayment shall be made in some other way. XLV

CHAPTER V.

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES.

Redelivery to sender of postal article in course of transmission by post.

18. (*1*) The Governor General in Council may, by rule, provide for the redelivery to the sender, without reference to the consent of the addressee

The Indian Post Office Act 1898.

(Chapter V.—Conditions of Transmission of Postal Articles.—Sections 19-25.)

and subject to such conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

(2) Save as provided by any rules that may be made under sub-section (1), the sender shall not be entitled to recall a postal article in course of transmission by post.

Transmission by post of anything injurious prohibited.

19. (1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Post Office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Post Office.

Transmission by post of anything indecent, etc., prohibited.

20. No person shall send by post—

(a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or

(b) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.

Power to make rules as to transmission by post of postal articles.

21. (1) The Governor General in Council may make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) provide for the granting receipts for, and the granting and obtaining certificates of posting and delivery of, postal articles, and the sums to be paid, in addition to any other postage, for such receipts and certificates; and

(b) regulate covers, form, dimensions, maximum weight and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director General may, by order, from time to time appoint.

Power to postpone despatch or delivery of certain postal articles.

22. (1) Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the Governor General in Council may make in this behalf, be detained in the Post Office so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

Power to deal with postal articles posted in contravention of Act.

23. (1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Governor General in Council may, by rule, direct.

(2) Any officer in charge of a post office or authorized by the Post Master General in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post, which he suspects to have been sent by post in contravention of section 21 or of any of the provisions of this Act relating to postage.

(3) Notwithstanding anything in sub-section (1),—

(a) any postal article sent by post in contravention of the provisions of section 19 may, under the authority of the Post Master General, if necessary, be open and destroyed; and

(b) any postal article sent by post in contravention of the provisions of section 20 may, under the authority of the Post Master General, be destroyed.

Power to deal with postal articles containing goods contraband or liable to duty.

24. Where a postal article, suspected to contain any contraband goods or anything liable to duty, is received for delivery at a post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid then in his absence, open and examine the postal article:

Provided, first, that, if the Director General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent:

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Post Master General:

Provided, thirdly, that nothing in this section shall prevent the detention of parcels, received by post from any place beyond the limits of British India, at the customs-port or other place at which they are received, and the opening of parcels so received by the Customs-authorities for the purpose of levying any duty of customs.

Power to intercept notified goods during transmission by post.

25. Where a notification has been published under section 19 of the Sea Customs Act, 1878, in respect of any goods of any specified description, any officer of the Post Office empowered

The Indian Post Office Act 1898.

(Chapter V.—Conditions of Transmission of Postal Articles.—Sections 26-27.)
(Chapter VI.—Registration, Insurance and Value-payable Post.—Sections 28-30.)

in this behalf by the Governor General in Council may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all such goods found to such officer as the Governor General in Council may appoint in this behalf, and such goods may be disposed of in such manner as the Governor General in Council may direct.

Power to intercept postal articles for public good.

26. (*1*) On the occurrence of any public emergency, or in the interest of the public safety or tranquillity, the Governor General in Council, or a Local Government, or any officer specially authorized in this behalf by the Governor General in Council, may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be delivered to the Government or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor General in Council may direct.

(*2*) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (*1*) was in the interest of the public safety or tranquillity, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

Power to deal with postal articles from abroad bearing fictitious or previously used stamps.

27. (*1*) Where a postal article is received by post from any place beyond the limits of British India—

(*a*) bearing a fictitious postage stamp, that is to say, any fac simile or imitation or representation of a postage stamp; or

(*b*) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article,

the officer in charge of the post office at which the postal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

(*2*) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(*3*) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (*2*), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Governor General in Council may direct.

Explanation.—For the purposes of this section, the expression "postage stamp" includes any postage stamp for denoting any rate or duty of postage of any part of Her Majesty's dominions or of any Native State or foreign country.

CHAPTER VI.

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST.

Registration of postal articles.

28. The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefor; and the Governor General in Council may, by notification in the Gazette of India, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of postal articles.

Power to make rules as to registration.

29. (*1*) The Governor General in Council may make rules as to the registration of postal articles.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare in what cases registration shall be required;

(*b*) prescribe the manner in which the fees for registration shall be paid; and

(*c*) direct that twice the fee for registration shall be levied on the delivery of a postal article required to be registered on which the fee for registration has not been prepaid.

(*3*) Postal articles made over to the Post Office for the purpose of being registered, shall be delivered, when registered, at such times and in such manner as the Director General may, by order, from time to time appoint.

Insurance of postal articles.

30. The Governor General in Council may, by notification in the Gazette of India, direct—

(*a*) that any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted, against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it; and

(*b*) that, in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by

The Indian Post Office Act 1898.

Chapter VI.—Registration, Insurance and Value-payable Post.—Sections 31-36.)
Chapter VII.—Undelivered Postal Articles.—Section 37.)

the notification shall be paid on account of the insurance of postal articles.

31. The Governor General in Council may, by notification in the Gazette of India, declare in what cases insurance shall be required, and direct that any postal article containing anything required to be insured, which has been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification :

Power to require insurance of postal articles.

Provided that the levy of such special fee as aforesaid shall not impose any liability upon the Secretary of State for India in Council in respect of the postal article.

32. (*1*) The Governor General in Council may make rules as to the insurance of postal articles.

Power to make rules as to insurance.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare what classes of postal articles may be insured under section 30 ;

(*b*) fix the limit of the amount for which postal articles may be insured ; and

(*c*) prescribe the manner in which the fees for insurance shall be paid.

(*3*) Postal articles made over to the Post Office for the purpose of being insured, shall be delivered, when insured, at such places and times and in such manner as the Director General may, by order, from time to time appoint.

33. Subject to such conditions and restrictions as the Governor General in Council may, by rule, prescribe, the Secretary of State for India in Council shall be liable to pay compensation, not exceeding the amount for which a postal article has been insured, to the sender thereof for the loss of the postal article or its contents, or for any damage caused to it in course of transmission by post :

Liability in respect of postal articles insured.

Provided that the compensation so payable shall in no case exceed the value of the article lost or the amount of the damage caused.

34. The Governor General in Council may, by notification in the Gazette of India, direct that, subject to the other provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of a postal article shall be recoverable on the delivery thereof from the addressee, and that the sum, so recovered, shall be paid to the sender :

Transmission by post of value-payable postal articles.

Provided that the Secretary of State for India in Council shall not incur any liability in respect of the sum specified for recovery, unless and until that sum has been received from the addressee.

Explanation.—Postal articles sent in accordance with the provisions of this section may be described as "value-payable" postal articles.

35. (*1*) The Governor General in Council may make rules as to the transmission by post of value-payable postal articles.

Power to make rules as to value-payable postal articles.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare what classes of postal articles may be sent as value-payable postal articles ;

(*b*) direct that no postal article shall be so sent unless the sender declares that it is sent in execution of a *bonâ fide* order received by him ;

(*c*) limit the value to be recovered on the delivery of any value-payable postal article ; and

(*d*) prescribe the form of declaration to be made by the senders of value-payable postal articles, and the time and manner of the payment of fees.

(*3*) Postal articles shall be made over to the Post Office for the purpose of being sent as "value payable," and shall be delivered, when so sent, at such times and in such manner as the Director General may, by order, from time to time appoint.

36. (*1*) Where arrangements are in force with the United Kingdom, or with any British possession, Native State or foreign country, for the transmission by post of registered, insured or value-payable postal articles between British India and the United Kingdom or such possession, State or country, the Governor General in Council may make rules to give effect to such arrangements.

Power to give effect to arrangements with other countries.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the form of declaration to be made by the senders of such postal articles as aforesaid ; and

(*b*) the fees to be charged in respect thereof.

CHAPTER VII.

UNDELIVERED POSTAL ARTICLES.

37. (*1*) The Governor General in Council may make rules as to the disposal of postal articles which for any reason cannot be delivered (hereinafter referred to as "undelivered postal articles").

Power to make rules as to disposal of undelivered postal articles.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the period during which undelivered postal articles at a post office shall remain in that office ; and

(*b*) provide for the publication of lists of undelivered postal articles, or of any class of undelivered postal articles.

(*3*) Every undelivered postal article, after being detained at a post office for the period prescribed by rule under the foregoing provisions of this section, shall be either forwarded, free of further charge, to the post office at which it was posted, for return to the sender, or sent to the office of the Post Master General.

The Indian Post Office Act, 1898.

(Chapter VII.—Undelivered Postal Articles.—Sections 38-39. Chapter VIII.—Ship Letters.—Sections 40-42. Chapter IX.—Money Orders.—Sections 43-45.)

Disposal of undelivered postal articles at office of Post Master General.

38. (*1*) Every postal article received at the office of the Post Master General under sub-section (*3*) of section 37 shall be dealt with as follows :—

(*a*) if practicable, it shall be redirected and forwarded by post to the addressee ; or,

(*b*) if it cannot be redirected and forwarded as aforesaid, it shall be opened by some officer, appointed by the Post Master General in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.

(*2*) If the name and address of the sender are so ascertained, it shall be returned by post to the sender, free of further charge or subject to such further charge as the Governor General in Council may, by rule, direct.

Final disposal of undelivered postal articles.

39. Undelivered postal articles which cannot be disposed of under the foregoing provisions, shall be detained in the office of the Post Master General for such further period (if any), and shall be dealt with in such manner, as the Governor General in Council may, by rule, direct:

Provided that—

(*a*) letters and postcards shall be destroyed;

(*b*) money or saleable property, not being of a perishable nature, found in any undelivered postal article, shall be detained for a period of one year in the office of the Post Master General, and, if on the expiration of that period no person has established his right thereto, shall, if money, be credited to the Post Office, and, if saleable property, be sold, the sale-proceeds being credited to the Post Office.

CHAPTER VIII.

SHIP LETTERS.

Duty of master of ship, departing from any port in British India and not being a mail ship, to convey mail bags.

40. The master of a ship, not being a mail ship, about to depart from any port in British India to any port within, or any port or place beyond, British India, shall receive on board any mail bag tendered to him by any officer of the Post Office for conveyance, granting a receipt therefor in such form as the Governor General in Council may, by rule, prescribe, and shall, without delay, deliver the same at the port or place of destination.

Duty of master of ship arriving at any port in British India in respect of postal articles and mail bags on board.

41. (*1*) The master of a ship arriving at any port in British India shall, without delay, cause every postal article or mail bag on board which is directed to that port and is within the exclusive privilege conferred on the Governor General in Council by section 4, to be delivered either at the post office at that port or to some officer of the Post Office authorized in this behalf by the Post Master General.

(*2*) If there is on board any postal article or mail bag which is directed to any other place within British India and is within the exclusive privilege aforesaid, the master shall, without delay, report the fact to the officer in charge of the post office at the port of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of the postal article or mail bag.

Allowance of gratuities for conveyance of postal articles by ships other than mail ships.

42. The Governor General in Council may, by notification in the Gazette of India, declare what gratuities shall be allowed to masters of ships, not being mail ships, in respect of postal articles received by them for conveyance on behalf of the Post Office ; and the master of a ship, not being a mail ship, about to leave any port in British India as aforesaid shall, if he receives on board a mail bag for conveyance, be entitled to demand and obtain immediately the amount of the gratuity payable under this section in respect of the mail bag and its contents.

CHAPTER IX.

MONEY ORDERS.

Power to maintain money order system and to make rules as to remittances thereby.

43. (*1*) The Governor General in Council may provide for the remitting of small sums of money through the Post Office by means of money orders, and may make rules as to such money orders.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the limit of amount for which money orders may be issued ;

(*b*) the period during which money orders shall remain current ; and

(*c*) the rates of commission or the fees to be charged on money orders or in respect thereof.

Power for remitter to recall money order or alter name of payee.

44. (*1*) Subject to such conditions as the Governor General in Council may, by rules made under section 43, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Post Office by means of a money order may require that the amount of the order, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.

(*2*) If neither the payee nor the remitter of a money order can be found, and if within the period of one year from the date of the issue of the order no claim is made by such payee or remitter, the amount of such order shall not be claimable from the Government.

Power to provide for the issue of postal orders.

45. The Governor General in Council may authorize the issue, in such form as may be suitable, of money orders, to be called postal orders or by such other designation as may be deemed appropriate, for certain fixed amounts, and may make rules as to the rates

The Indian Post Office Act, 1898.

(Chapter IX.—Money Orders.—Sections 46-48. Chapter X.—Penalties and Pocedure.—Sections 49-53.)

of commission to be charged thereon and the manner in which, and conditions subject to which, they may be issued, paid and cancelled:

Provided that no such order shall be issued for an amount in excess of ten rupees.

Power to give effect to arrangements with other countries.

46. (1) Where arrangements are in force with the United Kingdom, or with any British possession, Native State or foreign country, for the issue and payment through the Post Office of money orders between British India and the United Kingdom or such possession, State or country, the Governor General in Council may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the manner in which, and the conditions subject to which, such orders may be issued and paid in British India; and

(b) the rates of commission to be charged thereon.

Recovery of money order paid to the wrong person.

47. If any person, without reasonable excuse the burden of proving which shall lie on him, neglects or refuses to refund—

(a) any amount paid to him in respect of a money order by an officer of the Post Office in excess of what ought to have been paid to him in respect thereof, or

(b) the amount of a money order paid by an officer of the Post Office to him instead of to some other person to whom it ought to have been paid,

such amount shall be recoverable by an officer of the Post Office authorized by the Post Master General in this behalf from the person so neglecting or refusing as if it were an arrear of land-revenue due from him.

Exemption from liability in respect of money orders.

48. No suit or other legal proceeding shall be instituted against the Secretary of State for India in Council or any officer of the Post Office in respect of—

(a) any thing done under any rules made by the Governor General in Council under this Chapter; or

(b) the wrong payment of a money order caused by incorrect or incomplete information given by the remitter as to the name and address of the payee, provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or

(c) the payment of any money order being refused or delayed by, or on account of, any accidental neglect, omission or mistake, by, or on the part of, an officer of the Post Office, or for any other cause whatsoever, other than the fraud or wilful act or default of such officer; or

(d) any wrong payment of a money order after the expiration of one year from the date of the issue of the order.

CHAPTER X.

PENALTIES AND PROCEDURE.

Offences by Officers of the Post Office.

Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.

49. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post,—

(a) is in a state of intoxication while so employed, or

(b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered, or

(c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid, or

(d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.

50. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for making false entry in register kept by person employed to carry or deliver postal articles.

51. Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for theft, dishonest misappropriation, secretion, destruction, or throwing away, of postal articles.

52. Whoever, being an officer of the Post Office, commits theft in respect of, or dishonestly misappropriates, or, for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

Penalty for opening, detaining or delaying postal articles.

53. Whoever, being an officer of the Post Office, contrary to his duty, opens, or causes or suffers to be opened, any postal article in course of transmission by post, or wilfully detains or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that nothing in this section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act or in obedience to the order in writing of the Governor General in Council or the direction of a competent Court.

The Indian Post Office Act, 1898.

Chapter X.—Penalties and Procedure.—Sections 54-62.)

Penalty for fraud in connection with official marks and for receipt of excess postage.

54. Whoever, being an officer of the Post Office,—

(*a*) fraudulently puts any wrong official mark on a postal article, or

(*b*) fraudulently alters, removes or causes to disappear any official mark which is on a postal article, or,

(*c*) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act,

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently preparing, altering, secreting or destroying Post Office documents.

55. Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently sending unpaid postal articles.

56. Whoever, being an officer of the Post Office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the Government of the postage on such postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Punishment of offences committed in India outside British India.

57. (*1*) Whoever, being an officer of the Post Office employed in any place in India beyond the limits of British India in which posts are established by the Governor General in Council, or being appointed to sell postage stamps in any such place, commits therein an offence punishable under this Act, shall be punishable either in the place where the offence was committed by any Court or officer duly empowered by the Governor General in Council to take cognizance of offences committed in that place, or in any part of British India by any Court of competent jurisdiction as if the offence had been committed in that part.

(*2*) The provisions of section 188 of the Code of Criminal Procedure, 1898, shall not apply to any offence referred to in this section.

Other Offences.

Penalty for contravention of section 4.

58. Whoever—

(*a*) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the Governor General in Council by section 4, or

(*b*) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid, or

(*c*) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid, or

(*d*) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post,

shall be punishable with fine which may extend to fifty rupees for every such letter.

(*2*) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for contravention of section 5.

59. (*1*) Whoever, in contravention of the provisions of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

(*2*) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for breach of rules under section 16.

60. Whoever, being appointed to sell postage stamps,—

(*a*) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (*3*), clause (*a*), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(*b*) commits a breach of any other rule made under section 16, shall be punishable with fine which may extend to two hundred rupees.

Penalty for contravention of section 19 or 20.

61. (*1*) Whoever, in contravention of the provisions of section 19 or section 20, sends, or tenders or makes over in order to be sent, by post any postal article or any thing, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(*2*) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Penalty for defiling or injuring post office letter-boxes.

62. Whoever places in or against any letter-box provided by the Post Office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any such letter-box or does anything likely to injure any such letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

The Indian Post Office Act, 1898.

(Chapter X.—Penalties and Procedure.—Sections 63-72. Chapter XI.—Supplemental.—Section 73.)

Penalty for affixing without authority thing to, or painting, tarring or disfiguring, post office or post office letter-box.

63. Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or any letter-box provided by the Post Office for the reception of postal articles, shall be punishable with fine which may extend to fifty rupees.

Penalty for making false declaration.

64. Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.

Penalty for master of ship failing to comply with the provisions of section 40 or 41.

65. Whoever, being the master of a ship,—

(*a*) fails to comply with the provisions of section 40, or,

(*b*) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 41,

shall be punishable with fine which may extend to one thousand rupees.

Penalty for detention of letters on board vessel arriving in port.

66. (*1*) Whoever, being either the master of a ship arriving at any port in British India or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Governor General in Council by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.

(*2*) Whoever, being such master or other person as aforesaid, detains any such postal article as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to one hundred rupees for every such postal article.

Penalty for detaining mails or opening mail bag.

67. Whoever, except under the authority of this Act or in obedience to the order in writing of the Governor General in Council or the direction of a competent Court, detains the mails or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to two hundred rupees:

Provided that nothing in this section shall prevent the detention of an officer of the Post Office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1898, or any other law for the time being in force.

Penalty for retaining postal articles wrongly delivered or mail bags.

68. Whoever fraudulently retains, or wilfully secretes or makes away with, or keeps or detains, or, when required by an officer of the Post Office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for unlawfully diverting letters.

69. Whoever, not being an officer of the Post Office, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that nothing in this section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

General.

Penalty for abetting, or attempting to commit, offences under Act.

70. Whoever abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Property in cases of offences to be laid in the Post Office.

71. In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

Authority for prosecutions under certain sections of Act.

72. No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (*a*) and (*b*), 55, 56, 58, 59, 61, 64, 65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

CHAPTER XI.

SUPPLEMENTAL.

Zamindari and other district posts.

73. (*1*) The Governor General in Council may make rules for the management of any zamindari or other district post.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may declare what portions of this Act shall be applicable to zamindari and other district posts and to the persons employed in connection therewith.

The Indian Post Office Act 1898.

(Chapter XI.—Supplemental.—Sections 74-77. The First Schedule.—Inland Postage Rates.)

(The Second Schedule.—Enactments repealed.)

74. (*1*) In addition to the powers hereinbefore conferred, the Governor General in Council may make rules to carry out any of the purposes and objects of this Act.

General power to make rules and provisions as to rules under Act.

(*2*) In making any rule under this Act, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(*3*) All rules made by the Governor General in Council under this Act shall be published in the Gazette of India and, on such publication, shall have effect as if enacted by this Act.

75. The Governor General in Council may, by notification in the Gazette of India, authorize either absolutely or subject to conditions, the Director General to exercise any of the powers conferred upon the Governor General in Council by this Act, other than a power to make rules.

Delegation of powers, other than rule-making powers, to Director General.

76. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

Repeal.

77. Nothing in this Act shall derogate from or affect the provisions of the East India Company Act, 1780, or any enactment amending or extending the same.

Saving.

21 Geo. 3, c. 70.

THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

LETTERS.

For a weight not exceeding half a tola	Half an anna.
For a weight not exceeding one tola	One anna.
For every tola or fraction thereof exceeding one tola ...	One anna.

POSTCARDS.

Single	Quarter of an anna.
Reply	Half an anna.

BOOK, PATTERN AND SAMPLE PACKETS.

For every ten tolas or fraction thereof	Half an anna.

NEWSPAPERS.

For a weight not exceeding three tolas	Quarter of an anna.

REGISTERED NEWSPAPERS.

For a weight not exceeding twenty tolas	Half an anna.
For every twenty tolas or fraction thereof exceeding twenty tolas	Half an anna.

PARCELS.

For a weight not exceeding twenty tolas	Two annas.
For a weight not exceeding forty tolas	Four annas.
For every additional forty tolas or fraction thereof exceeding forty tolas	Four annas.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 76.)

Year.	No.	Short title.	Extent of repeal.
1866	XIV	The Indian Post Office Act, 1866.	The whole.
1882	III	The Seditious Publications Act, 1882.	So much as is unrepealed.
1895	III	The Indian Criminal Law Amendment Act, 1895.	Section 7.
1896	XVI	The Indian Post Office Act (1866) Amendment Act, 1896.	The whole.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Act XVI of 1896.

J. M. MACPHERSON,

Secy. to the Government of India.

16. (1) In addition to the powers hereinbefore conferred, the Governor General in Council may make rules to carry out the purposes and objects of this Act.

(2) In making any rule under this Act, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(3) All rules made by the Governor General in Council under this Act shall be published in the Gazette of India and, on such publication, shall have effect as if enacted by this Act.

17. The Governor General in Council may, by notification in the Gazette of India, authorize either absolutely or subject to conditions, the Director General to exercise any of the powers conferred upon the Governor General in Council by this Act other than a power to make rules.

18. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

19. Nothing in this Act shall derogate from or affect the provisions of the East India Company Act, 1837, or any enactment amending or extending the same.

THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

LETTERS.

For a weight not exceeding half a tola ... ... Half an anna.

For a weight not exceeding one tola ... ... One anna.

For every tola or fraction thereof exceeding one tola ... One anna.

POST CARDS.

Single ... ... Quarter of an anna.

Reply ... ... Half an anna.

BOOK, PATTERN AND SAMPLE PACKETS.

For every ten tolas or fraction thereof ... ... Half an anna.

[illegible]

For a weight not exceeding [illegible] tolas ... ... [illegible]

REGISTERED NEWSPAPERS.

For a weight not exceeding twenty tolas ... ... Half an anna.

For every twenty tolas or fraction thereof exceeding twenty tolas ... Half an anna.

PARCELS.

For a weight not exceeding twenty tolas ... ... Two annas.

For a weight not exceeding forty tolas ... ... Four annas.

For every additional forty tolas or fraction thereof exceeding forty tolas ... ... Four annas.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 18.)

1866	XIV	The Indian Post Office Act, 1866.	The whole.
1882	III	The Stage-carriage Publications Act, 1882.	So much as has not been repealed.
1895	III	The Indian Criminal Law Amendment Act, 1895.	Section 4.
1896	XVI	The Indian Post Office Act (1866) Amendment Act, 1896.	The whole.
1897	XIV	The Indian Stamp Tables Act, 1897.	So much as relates to Act XIV of 1866.

J. M. MACPHERSON,

Secy. to the Govt. of India.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 14, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March, 1898, and is hereby promulgated for general information :—

ACT NO. VII OF 1898.

An Act to further amend the Petroleum Act, 1886.

XII of 1886. WHEREAS it is expedient to further amend the Petroleum Act, 1886; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Petroleum Act, 1898; and

(*2*) It shall come into force at once.

XII of 1886.

Substitution of new definition of "petroleum" in section 3, Act XII, 1886.

2. In section 3 of the Petroleum Act, 1886, for clause (*1*) the following shall be substituted, namely:—

'(*1*) "petroleum" includes also—

(*a*) the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline and benzine;

(*b*) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum; and

(*c*) any liquid or viscous mixture having in its composition any of the liquids aforesaid:

but it does not include any oil ordinarily used for lubricating purposes and having its flashing-point at or above two hundred degrees of Fahrenheit's thermometer :'.

Addition of new sub-sections to section 4, Act XII, 1886.

3. To section 4 of the said Act the following sub-sections shall be added, namely :—

"(*3*) The Governor General in Council may, by notification in the official Gazette, alter or add to the schedule to this Act by prescribing new or varied tests, and directions for preparing and using them; and all references in this Act to the schedule, when altered or added to, shall be construed as referring to the schedule as so altered or added to for the time being.

(*4*) The provisions of section 23 of the General Clauses Act, 1897, shall apply to notifications under sub-section (*3*) as if they were rules or orders required to be made after previous publication." X of 1897.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 21, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th July, 1898, and is hereby promulgated for general information :

ACT NO. VIII OF 1898.

An Act to amend the Indian Paper Currency Act, 1898.

II of 1898. WHEREAS it is expedient to amend the Indian Paper Currency Act, 1898; It is hereby enacted as follows :

Short title and commencement.

1. (*1*) This Act may be called the Indian Paper Currency Act Amendment Act, 1898; and

(*2*) It shall come into force at once.

Amendment of section 1, Act II, 1898.

2. Sub-section (*3*) of section 1 of the Indian Paper Currency Act, 1898, is hereby repealed and the following is substituted therefor, namely: II of 1898.

" (*3*) It shall remain in force for two years and six months from the commencement thereof."

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 18, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th August, 1898, and is hereby promulgated for general information:

ACT No. IX OF 1898.

An Act to make better provision for the regulation of the importation of live-stock.

WHEREAS it is expedient to make better provision for the regulation of the importation of live-stock which is liable to be affected by infectious or contagious disorders; It is hereby enacted as follows:

Short title, local extent and commencement.

1. (1) This Act may be called the Live-stock Importation Act, 1898.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression "infectious or contagious disorders" includes tick-pest, anthrax, glanders, farcy, scabies and any other disease or disorder which may be specified by the Governor General in Council by notification in the Gazette of India; and

(b) "live-stock" includes horses, kine, camels, sheep and any other animal which may be specified by the Governor General in Council by notification in the Gazette of India.

Power to regulate importation of live-stock.

3. (1) The Governor General in Council may, by notification in the Gazette of India, regulate, restrict or prohibit, in such manner and to such extent as he may think fit the bringing or taking, by sea or land, into British India or any specified place therein, of any live-stock which may be liable to be affected by infectious or contagious disorders, and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or that may have been in contact therewith.

(2) A notification under sub-section (1) shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and VIII of 1878. the officers of customs at every port shall have the same powers in respect of any live-stock or thing, with regard to the importation of which such a notification has been issued, and the vessel containing the same, as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

Power for Local Government to make rules.

4. (1) The Local Government may, subject to the control of the Governor General in Council, make rules for the detention, inspection, disinfection or destruction of imported live-stock, and of fodder, dung, stable-litter, clothing, harness or fittings appertaining to imported live-stock or that may have been in contact therewith, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

(2) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

Protection to persons acting under Act.

5. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

J. M. MACPHERSON,

Secretary to the Government of India.

The Punjab Government Gazette

PUBLISHED BY AUTHORITY.

[illegible] THURSDAY, AUGUST 18, 1898.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the [illegible], and is hereby promulgated for general information:—

ACT NO. IX OF 1898.

An Act to make better provision for the regulation of the importation of live-stock.

Whereas it is expedient to make better provision for regulating the importation of live-stock which is liable to be affected by infectious or contagious disorders; It is hereby enacted as follows:—

1. (1) This Act may be called the Live-stock Importation Act, 1898.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression "infectious or contagious disorders" includes rinder-pest, anthrax, glanders, farcy, scabies and any other infectious or contagious disorder which may be specified by the Governor General in Council by notification in the Gazette of India; and

(b) "live-stock" includes horses, kine, sheep, goats, and any other animal which may be specified by the Governor General in Council by notification in the Gazette of India.

3. (1) The Governor General in Council may, by notification in the Gazette of India, regulate, restrict or prohibit, in such manner and to such extent as he may think fit, the bringing or taking by sea or by land into British India or any specified part thereof of any live-stock which may be liable to be affected by infectious or contagious disorders and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or [illegible] which have been in contact therewith.

(2) Any notification under sub-section (1) shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of customs at every port shall have the same powers in respect of such live-stock or thing, with regard to the importation of which such a notification has been issued, and the vessel containing the same, as they have for the time being in respect of any article the importation of which is prohibited or regulated by the law for the time being in force relating to sea customs, and such article or vessel [illegible] accordingly.

4. (1) The Local Government may, subject to the control of the Governor General in Council, make rules for the detention, inspection, disinfection or destruction of imported live-stock, and of fodder, dung, stable-litter, clothing, harness or fittings appertaining to imported live-stock or that may have been in contact therewith, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

(2) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

5. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 18, 1898.

PART IV.—A.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[First Publication.]

THE following Act of the Lieutenant-Governor of the Punjab in Council, received the assent of His Honour the Lieutenant-Governor on the 11th May 1898 and that of His Excellency the Viceroy and Governor-General on the 15th July 1898, and is hereby promulgated for general information :—

PUNJAB ACT No. I OF 1898.

(Assent of the Governor-General first published on the 18th August 1898.)

THE PUNJAB GENERAL CLAUSES ACT, 1898.

CONTENTS.

An Act to shorten the language of Acts and for other matters.

WHEREAS it is expedient to shorten the language used in Acts made by the Lieutenant-Governor of the Punjab in Council, and to make certain provisions for the construction of and other matters relating to such Acts:

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (1) This Act may be called the Punjab General Clauses Act, 1898; and

(2) It shall come into force at once.

General Definitions.

Definitions.

2. In this Act, and in all Acts of the Lieutenant-Governor of the Punjab in Council, unless there is anything repugnant in the subject or context,—

"Abet." XLV of 1860.

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

"Act."

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"British India."

(5) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"British possession."

(6) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession:

"Chapter."

(7) "Chapter" shall mean a Chapter of the Punjab Act in which the word occurs:

"Chief Court."

(8) "Chief Court" shall, for the purposes of all Punjab Acts for the time being in force, mean the Chief Court of the Punjab or the highest Court of original, appellate or revisional jurisdiction in the Punjab:

"Collector."

(9) "Collector" shall mean the chief officer in charge of the revenue administration of a district, and shall include a Deputy Commissioner:

"Colony."

(10) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony:

"Commencement."

(11) "commencement," used with reference to a Punjab Act, shall mean the day on which the Act comes into force:

"Commissioner."

(12) "Commissioner" shall mean the chief officer in charge of the revenue and general administration of a division:

(13) "consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul, and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent:

"Consular Officer."

(14) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district:

"Deputy Commissioner."

(15) "District Judge" shall mean the Judge of a District Court and shall include a principal Civil Court of original jurisdiction in a district:

"District Judge."

(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:

"Document."

(17) "enactment" shall include any provision contained in any Punjab Act:

"Enactment"

(18) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father:

"Father."

(19) "Financial Commissioner" shall mean the Financial Commissioner of the Punjab for the time being:

"Financial Commissioner."

(20) "financial year" shall mean the year commencing on the first day of April:

"Financial year."

(21) "Gazette" shall mean the *Punjab Gazette* published under the authority of the Lieutenant-Governor of the Punjab:

"Gazette."

(22) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Good faith."

(23) "Government" or "the Government" shall include the Local Government as well as the Government of India:

"Government."

(24) "Government of India" shall mean the Governor-General in Council, or, during the absence of the Governor-General from his Council, the President in Council, or the Governor-General alone, as regards the powers which may be lawfully exercised by them or him respectively:

"Government of India."

(25) "Her Majesty" or "the Queen" shall include Her successors:

"Her Majesty" or "the Queen."

(26) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

"Immoveable property."

(27) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: XLV of 1860.

"Imprisonment."

(28) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"India."

(29) "India Act" shall mean an Act made by the Governor-General of India in Council:

"India Act."

(30) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

"Local authority."

(31) "Local Government" shall mean the Lieutenant-Governor of the Punjab:

"Local Government."

(32) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: X of 1882.

"Magistrate."

(33) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship: "Master" (of a ship).

(34) "month" shall mean a month reckoned according to the British calendar: "Month."

(35) "moveable property" shall mean property of every description, except immoveable property: "Moveable property."

(36) "notification" shall mean a notification published under proper authority in the Gazette: "Notification."

(37) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing: "Oath."

(38) "offence" shall mean any act or omission made punishable by any law for the time being in force: "Offence."

(39) "Part" shall mean a Part of the Punjab Act in which the word occurs: "Part."

(40) "person" shall include any company or association or body of individuals, whether incorporated or not: "Person."

(41) "Political Agent" shall include— "Political Agent."

(a) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(b) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition:

(42) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council: "Privy Council."

(43) "Province" shall mean the territories for the time being administered by any Local Government: "Province."

(44) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: "Public nuisance." XLV of 1860.

(45) "Punjab" shall mean the territories for the time being administered by the Lieutenant-Governor of the Punjab: "Punjab."

(46) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892: "Punjab Act."

(47) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents: "Registered."

(48) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment: "Rules."

(49) "schedule" shall mean a schedule to the Punjab Act in which the word occurs: "Schedule."

(50) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874: "Scheduled District." XIV of 1874.

(51) "section" shall mean a section of the Punjab Act in which the word occurs: "Section."

(52) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars: "Ship."

(53) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions: "Sign."

(54) "son," in the case of any one whose personal law permits adoption, shall include an adopted son :

"Son."

(55) "sub-section" shall mean a sub-section of the section in which the word occurs :

"Sub-section."

(56) "swear," with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing :

"Swear."

(57) "vessel" shall include any ship or boat or any other description of vessel used in navigation :

"Vessel."

(58) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property :

"Will."

(59) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form : and

"Writing."

(60) "year" shall mean a year reckoned according to the British calendar.

"Year."

General Rules of Construction.

Coming into operation of enactments.

3. Where any Punjab Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which the assent of the Governor-General is first published by the Lieutenant-Governor in pursuance of Sections 40 and 48 of the Indian Councils Act, 1861, and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act.

Effect of repeal.

4. Where this Act or any Punjab Act repeals any enactment, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

Revival of repealed enactments.

5. In any Punjab Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Construction of references to repealed enactments.

6. Where this Act, or any other Punjab Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

7. In any Punjab Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

Computation of time.

8. Where, by any Punjab Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877.

Measurement of distances.

9. In the measurement of any distance, for the purposes of any Punjab Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

10. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Duty to be taken *pro rata* in enactments.

11. In all Punjab Acts, unless there is anything repugnant in the subject or context,—

Gender and number.

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and *vice versâ*.

Powers and Functionaries.

12. Where, by any Punjab Act, any power is conferred on the Local Government, then that power may be exercised from time to time as occasion requires.

Powers conferred on the Government to be exercisable from time to time.

13. Where, by any Punjab Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

Power to appoint to include power to appoint *ex-officio*.

14. Where, by any Punjab Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Power to appoint to include power to suspend or dismiss.

15. In any Punjab Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

Substitution of functionaries.

16. In any Punjab Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Successors.

17. In any Punjab Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

Official chiefs and subordinates.

Provisions as to Orders, Rules, etc., made under Enactments.

18. Where, by any Punjab Act, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Construction of orders, etc., issued under enactments.

19. Where, by any Punjab Act, a power to make orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.

20. Where, by any Punjab Act which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

21. Where, by any Punjab Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise provides, the following provisions shall apply, namely:—

Provisions applicable to making of rules or bye-laws after previous publication.

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

22. Where any Punjab Act is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed Act, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

XLV of 1860.

Recovery of fines.

23. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any Act, rule or bye-law, unless the Act, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

24. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

25. Where any Punjab Act authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

26. (1) In any Punjab Act and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any Punjab Act a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

LAHORE: } E. W. PARKER,
The 10th August 1898. } *Secretary, Legislative Council, Punjab.*

Punjab Government Press, Lahore—16-8-98—730.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, AUGUST 25, 1898.

PART IV.—A.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

THE following Act of the Lieutenant-Governor of the Punjab in Council, received the assent of His Honour the Lieutenant-Governor on the 11th May 1898 and that of His Excellency the Viceroy and Governor-General on the 15th July 1898, and is hereby promulgated for general information :—

PUNJAB ACT No. I OF 1898.

(*Assent of the Governor-General first published on the 18th August* 1898.)

THE PUNJAB GENERAL CLAUSES ACT, 1898.

CONTENTS.

An Act to shorten the language of Acts and for other matters.

WHEREAS it is expedient to shorten the language used in Acts made by the Lieutenant-Governor of the Punjab in Council, and to make certain provisions for the construction of and other matters relating to such Acts:

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (1) This Act may be called the Punjab General Clauses Act, 1898; and

(2) It shall come into force at once.

General Definitions.

Definitions.

2. In this Act, and in all Acts of the Lieutenant-Governor of the Punjab in Council, unless there is anything repugnant in the subject or context,—

"Abet." XLV of 1860.

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

"Act."

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"British India."

(5) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"British possession."

(6) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession:

"Chapter."

(7) "Chapter" shall mean a Chapter of the Punjab Act in which the word occurs:

"Chief Court."

(8) "Chief Court" shall, for the purposes of all Punjab Acts for the time being in force, mean the Chief Court of the Punjab or the highest Court of original, appellate or revisional jurisdiction in the Punjab:

"Collector."

(9) "Collector" shall mean the chief officer in charge of the revenue administration of a district, and shall include a Deputy Commissioner:

"Colony."

(10) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony:

"Commencement."

(11) "commencement," used with reference to a Punjab Act, shall mean the day on which the Act comes into force:

"Commissioner."

(12) "Commissioner" shall mean the chief officer in charge of the revenue and general administration of a division:

(13) "consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul, and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent:

"Consular Officer."

(14) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district:

"Deputy Commissioner."

(15) "District Judge" shall mean the Judge of a District Court and shall include a principal Civil Court of original jurisdiction in a district:

"District Judge."

(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:

"Document."

(17) "enactment" shall include any provision contained in any Punjab Act:

"Enactment."

(18) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father:

"Father."

(19) "Financial Commissioner" shall mean the Financial Commissioner of the Punjab for the time being:

"Financial Commissioner."

(20) "financial year" shall mean the year commencing on the first day of April:

"Financial year."

(21) "Gazette" shall mean the *Punjab Gazette* published under the authority of the Lieutenant-Governor of the Punjab:

"Gazette."

(22) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Good faith."

(23) "Government" or "the Government" shall include the Local Government as well as the Government of India:

"Government."

(24) "Government of India" shall mean the Governor-General in Council, or, during the absence of the Governor-General from his Council, the President in Council, or the Governor-General alone, as regards the powers which may be lawfully exercised by them or him respectively:

"Government of India."

(25) "Her Majesty" or "the Queen" shall include Her successors:

"Her Majesty" or "the Queen."

(26) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

"Immoveable property."

(27) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: XLV of 1860.

"Imprisonment."

(28) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"India."

(29) "India Act" shall mean an Act made by the Governor-General of India in Council:

"India Act."

(30) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

"Local authority."

(31) "Local Government" shall mean the Lieutenant-Governor of the Punjab:

"Local Government."

(32) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: X of 1882.

"Magistrate."

(33) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship:
"Master" (of a ship).

(34) "month" shall mean a month reckoned according to the British calendar:
"Month."

(35) "moveable property" shall mean property of every description, except immoveable property:
"Moveable property."

(36) "notification" shall mean a notification published under proper authority in the Gazette:
"Notification."

(37) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:
"Oath."

(38) "offence" shall mean any act or omission made punishable by any law for the time being in force:
"Offence."

(39) "Part" shall mean a Part of the Punjab Act in which the word occurs:
"Part."

(40) "person" shall include any company or association or body of individuals, whether incorporated or not:
"Person."

(41) "Political Agent" shall include—
"Political Agent."

(*a*) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(*b*) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition:

(42) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council:
"Privy Council."

(43) "Province" shall mean the territories for the time being administered by any Local Government:
"Province."

(44) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: XLV of 1860.
"Public nuisance."

(45) "Punjab" shall mean the territories for the time being administered by the Lieutenant-Governor of the Punjab:
"Punjab."

(46) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892:
"Punjab Act."

(47) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents:
"Registered."

(48) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment:
"Rules."

(49) "schedule" shall mean a schedule to the Punjab Act in which the word occurs:
"Schedule."

(50) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874: XIV of 1874.
"Scheduled District."

(51) "section" shall mean a section of the Punjab Act in which the word occurs:
"Section."

(52) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars:
"Ship."

(53) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions:
"Sign."

(54) "son," in the case of any one whose personal law permits adoption, shall include an adopted son : "Son."

(55) "sub-section" shall mean a sub-section of the section in which the word occurs : "Sub-section."

(56) "swear," with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing : "Swear."

(57) "vessel" shall include any ship or boat or any other description of vessel used in navigation : "Vessel."

(58) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property : "Will."

(59) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form : and "Writing."

(60) "year" shall mean a year reckoned according to the British calendar. "Year."

General Rules of Construction.

Coming into operation of enactments.

3. Where any Punjab Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which the assent of the Governor-General is first published by the Lieutenant-Governor in pursuance of Sections 40 and 48 of the Indian Councils Act, 1861, and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act.

Effect of repeal.

4. Where this Act or any Punjab Act repeals any enactment, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

Revival of repealed enactments.

5. In any Punjab Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Construction of references to repealed enactments.

6. Where this Act, or any other Punjab Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

7. In any Punjab Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

Computation of time.

8. Where, by any Punjab Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877.

Measurement of distances.

9. In the measurement of any distance, for the purposes of any Punjab Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

10. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Duty to be taken *pro rata* in enactments.

11. In all Punjab Acts, unless there is anything repugnant in the subject or context,—

Gender and number.

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and *vice versâ*.

Powers and Functionaries.

12. Where, by any Punjab Act, any power is conferred on the Local Government, then that power may be exercised from time to time as occasion requires.

Powers conferred on the Government to be exercisable from time to time.

13. Where, by any Punjab Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

Power to appoint to include power to appoint *ex-officio*.

14. Where, by any Punjab Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Power to appoint to include power to suspend or dismiss.

15. In any Punjab Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

Substitution of functionaries.

16. In any Punjab Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Successors.

17. In any Punjab Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

Official chiefs and subordinates.

Provisions as to Orders, Rules, etc., made under Enactments.

18. Where, by any Punjab Act, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Construction of orders, etc., issued under enactments.

19. Where, by any Punjab Act, a power to make orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.

20. Where, by any Punjab Act which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

21. Where, by any Punjab Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise provides, the following provisions shall apply, namely:—

Provisions applicable to making of rules or bye-laws after previous publication.

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified ;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

22. Where any Punjab Act is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed Act, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

Recovery of fines.

XLV of 1860. 23. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any Act, rule or bye-law, unless the Act, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

24. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

25. Where any Punjab Act authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

26. (1) In any Punjab Act and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any Punjab Act a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

LAHORE :
The 10th August 1898

E. W. PARKER,
Secretary, Legislative Council, Punjab.

Punjab Government Press, Lahore—25-8-98—695.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 1, 1898.

PART IV.—A.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

THE following Act of the Lieutenant-Governor of the Punjab in Council, received the assent of His Honour the Lieutenant-Governor on the 11th May 1898 and that of His Excellency the Viceroy and Governor-General on the 15th July 1898, and is hereby promulgated for general information :—

PUNJAB ACT NO. I OF 1898.

(Assent of the Governor-General first published on the 18th August 1898.)

THE PUNJAB GENERAL CLAUSES ACT, 1898.

CONTENTS.

An Act to shorten the language of Acts and for other matters.

WHEREAS it is expedient to shorten the language used in Acts made by the Lieutenant-Governor of the Punjab in Council, and to make certain provisions for the construction of and other matters relating to such Acts:

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (1) This Act may be called the Punjab General Clauses Act, 1898; and

(2) It shall come into force at once.

General Definitions.

Definitions.

2. In this Act, and in all Acts of the Lieutenant-Governor of the Punjab in Council, unless there is anything repugnant in the subject or context,—

"Abet." XLV of 1860.

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

"Act."

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"British India."

(5) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"British possession."

(6) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession:

"Chapter."

(7) "Chapter" shall mean a Chapter of the Punjab Act in which the word occurs:

"Chief Court."

(8) "Chief Court" shall, for the purposes of all Punjab Acts for the time being in force, mean the Chief Court of the Punjab or the highest Court of original, appellate or revisional jurisdiction in the Punjab:

"Collector."

(9) "Collector" shall mean the chief officer in charge of the revenue administration of a district, and shall include a Deputy Commissioner:

"Colony."

(10) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony:

"Commencement."

(11) "commencement," used with reference to a Punjab Act, shall mean the day on which the Act comes into force:

"Commissioner."

(12) "Commissioner" shall mean the chief officer in charge of the revenue and general administration of a division:

(13) "consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul, and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent: "Consular Officer."

(14) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district: "Deputy Commissioner."

(15) "District Judge" shall mean the Judge of a District Court and shall include a principal Civil Court of original jurisdiction in a district: "District Judge."

(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter: "Document."

(17) "enactment" shall include any provision contained in any Punjab Act: "Enactment."

(18) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father: "Father."

(19) "Financial Commissioner" shall mean the Financial Commissioner of the Punjab for the time being: "Financial Commissioner."

(20) "financial year" shall mean the year commencing on the first day of April: "Financial year."

(21) "Gazette" shall mean the *Punjab Gazette* published under the authority of the Lieutenant-Governor of the Punjab: "Gazette."

(22) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not: "Good faith."

(23) "Government" or "the Government" shall include the Local Government as well as the Government of India: "Government."

(24) "Government of India" shall mean the Governor-General in Council, or, during the absence of the Governor-General from his Council, the President in Council, or the Governor-General alone, as regards the powers which may be lawfully exercised by them or him respectively: "Government of India."

(25) "Her Majesty" or "the Queen" shall include Her successors: "Her Majesty" or "the Queen."

(26) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth: "Immoveable property."

(27) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: "Imprisonment." XLV of 1860.

(28) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India: "India."

(29) "India Act" shall mean an Act made by the Governor-General of India in Council: "India Act."

(30) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund: "Local authority."

(31) "Local Government" shall mean the Lieutenant-Governor of the Punjab: "Local Government."

(32) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: "Magistrate." X of 1882.

(33) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship: "Master" (of a ship).

(34) "month" shall mean a month reckoned according to the British calendar: "Month."

(35) "moveable property" shall mean property of every description, except immoveable property: "Moveable property."

(36) "notification" shall mean a notification published under proper authority in the Gazette: "Notification."

(37) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing: "Oath."

(38) "offence" shall mean any act or omission made punishable by any law for the time being in force: "Offence."

(39) "Part" shall mean a Part of the Punjab Act in which the word occurs: "Part."

(40) "person" shall include any company or association or body of individuals, whether incorporated or not: "Person."

(41) "Political Agent" shall include— "Political Agent."

(a) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(b) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition:

(42) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council: "Privy Council."

(43) "Province" shall mean the territories for the time being administered by any Local Government: "Province."

(44) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: "Public nuisance." XLV of 1860.

(45) "Punjab" shall mean the territories for the time being administered by the Lieutenant-Governor of the Punjab: "Punjab."

(46) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892: "Punjab Act."

(47) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents: "Registered."

(48) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment: "Rules."

(49) "schedule" shall mean a schedule to the Punjab Act in which the word occurs: "Schedule."

(50) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874: "Scheduled District." XIV of 1874.

(51) "section" shall mean a section of the Punjab Act in which the word occurs: "Section."

(52) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars: "Ship."

(53) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions: "Sign."

(54) "son," in the case of any one whose personal law permits adoption, shall include an adopted son :

"Son."

(55) "sub-section" shall mean a sub-section of the section in which the word occurs :

"Sub-section."

(56) "swear," with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing :

"Swear."

(57) "vessel" shall include any ship or boat or any other description of vessel used in navigation :

"Vessel."

(58) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property :

"Will."

(59) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form : and

"Writing."

(60) "year" shall mean a year reckoned according to the British calendar.

"Year."

General Rules of Construction.

Coming into operation of enactments.

3. Where any Punjab Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which the assent of the Governor-General is first published by the Lieutenant-Governor in pursuance of Sections 40 and 48 of the Indian Councils Act, 1861, and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act.

Effect of repeal.

4. Where this Act or any Punjab Act repeals any enactment, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

Revival of repealed enactments.

5. In any Punjab Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Construction of references to repealed enactments.

6. Where this Act, or any other Punjab Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

7. In any Punjab Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

Computation of time.

8. Where, by any Punjab Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877.

Measurement of distances.

9. In the measurement of any distance, for the purposes of any Punjab Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

10. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Duty to be taken *pro rata* in enactments.

11. In all Punjab Acts, unless there is anything repugnant in the subject or context,—

Gender and number.

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and *vice versâ*.

Powers and Functionaries.

12. Where, by any Punjab Act, any power is conferred on the Local Government, then that power may be exercised from time to time as occasion requires.

Powers conferred on the Government to be exercisable from time to time.

13. Where, by any Punjab Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

Power to appoint to include power to appoint *ex-officio*.

14. Where, by any Punjab Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Power to appoint to include power to suspend or dismiss.

15. In any Punjab Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

Substitution of functionaries.

16. In any Punjab Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Successors.

17. In any Punjab Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

Official chiefs and subordinates.

Provisions as to Orders, Rules, etc., made under Enactments.

18. Where, by any Punjab Act, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Construction of orders, etc., issued under enactments.

19. Where, by any Punjab Act, a power to make orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.

20. Where, by any Punjab Act which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

21. Where, by any Punjab Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise provides, the following provisions shall apply, namely:—

Provisions applicable to making of rules or bye-laws after previous publication.

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

22. Where any Punjab Act is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed Act, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

XLV of 1860.

Recovery of fines.

23. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any Act, rule or bye-law, unless the Act, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

24. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

25. Where any Punjab Act authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

26. (1) In any Punjab Act and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any Punjab Act a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

LAHORE:
The 10th August 1898.

E. W. PARKER,
Secretary, Legislative Council, Punjab.

Punjab Government Press, Lahore—1-9-98—695.

Government Gazette,

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LAHORE, THURSDAY, JANUARY 27, 1898.

PART V

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1898 :—

NO. I OF 1898.

A Bill to provide for the issue of currency notes in exchange for gold received in England.

WHEREAS it is expedient to provide for the issue of currency notes in exchange for gold received in England ; It is hereby enacted as follows :—

Short title, commencement and duration.

1. (*1*). This Act may be called the Indian Paper Currency Act, 1898.

(*2*) It shall come into force at once ; and

(*3*) It shall remain in force for six months from its commencement, and no longer.

Addition of new section after section 13, Act XX of 1882.

2. After section 13 of the Indian Paper Currency Act, 1882, the following section shall be added namely :— XX of 1882.

Issue of notes against gold received in England.

"13A. The Governor General in Council may, from time to time, by an order notified in the Gazette of India, direct that currency notes shall be issued at such offices of issue as are named in the order to an amount equal to the value of gold held by the Secretary of State for India at the rate, and subject to the conditions, fixed by that order:

Provided that—

(*1*) the power conferred by this section shall not be exercised unless the Secretary of State for India shall consent to hold in gold coin or gold bullion what he shall determine to be equivalent in value to the notes so issued, as a reserve to secure the payment of such notes, and to transmit the same, or what he shall determine to be equivalent to the same, in gold coin or gold bullion to India ;

(*2*) gold coin or gold bullion so remitted shall be deemed to be received, within the meaning of section 19, when it is received in India by the Governor General in Council ; and

(*3*) gold coin or gold bullion so retained shall, until its arrival in India, be distinguished from other gold coin or gold bullion in the abstract account published under section 27."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to afford a means of relief to the severe stringency which now exists in the money market. Section 13 of the Indian Paper Currency Act, 1882, authorises the Governor General in Council to direct that currency notes shall be issued by the Paper Currency Department in exchange for gold coin and bullion received in India at the office of issue. The Bill extends this provision so as to allow the issue of currency notes against gold received in London by Her Majesty's Secretary of State if he consents to receive the gold and to transmit it to India.

The 13th January, 1898.

J. WESTLAND.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

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Published by Authority.

LAHORE, THURSDAY, APRIL 7, 1898.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st March, 1898 :—

NO. 3 OF 1898.

A Bill to amend the Indian Contract Act, 1872.

IX of 1872. WHEREAS it is expedient to amend the Indian Contract Act, 1872, by better defining the law relating to undue influence ; It is hereby enacted as follows :—

Short title, commencement and application.

1 (*1*) This Act may be called the Indian Contract Act (1872) Amendment Act, 1898.

(*2*) It shall come into force on the day of 1898 ; and

(*3*) It shall apply to every contract in respect of which any suit is instituted after the commencement of this Act.

IX of 1872. Substitution of new sections for section 16, Act IX of 1872.

2. Section 16 of the Indian Contract Act, 1872, is hereby repealed, and the following section is substituted therefor, namely :—

'Undue influence' defined.

" 16. (*1*) A contract is said to be induced by 'undue influence' where the parties to the contract do not contract on a footing of equality, but one of the parties is in a position to dominate the other, and uses that position to obtain an unfair advantage over the other or to make him consent to terms to which he would not otherwise have consented.

(*2*) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate another—

(*a*) where he holds a real or apparent authority over the other or where there is a fiduciary relation between the parties, or

(*b*) where he makes a contract with a person who is naturally feeble-minded or whose mental capacity is temporarily or permanently affected by reason of age, illness, mental or bodily distress, or other special circumstances.

(*3*) Where a person who is in a position to dominate another enters into a contract with him, the burden of proving that such contract is fair and reasonable and was not induced by undue influence shall lie upon such person.

Illustrations.

(*a*) A having advanced money to his son, B, during his minority, upon B's coming of age obtains, by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(*b*) A, a man enfeebled by disease or age, is induced by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services. B employs undue influence.

(*c*) A, an agriculturist, borrows of B, the money-lender of his village, or of the family or community to which he belongs, a sum of money and executes a bond therefor. It appears in evidence that A was deeply involved at the time of the transaction, or that he or some of the members of his family had previously thereto had monetary dealings with B, so as to render it difficult for him to have recourse to any other money-lender or to avail himself of the open market. It lies on B to prove that the transaction was a fair and reasonable one, and was not induced by undue influence."

Amendment of section 19 of, and addition of new section to, Act IX of 1872.

3. In section 19 of the said Act the words "undue influence" are hereby repealed, and after the same section the following section is hereby inserted, namely :—

Power to Court to set aside contract induced by undue influence.

" 19A. Where a contract is induced by undue influence, it may be set aside either absolutely or upon such terms and conditions as to the Court may seem just.

Illustrations.

(*a*) A's son has forged B's name to a promissory note. B under threat of prosecuting A's son, obtains a bond from A for the amount of the forged note. If B sues on this bond, the Court may set the bond aside.

(*b*) A, a money-lender, advances Rs. 100 to B, an agriculturist, and by undue influence induces B to execute a bond for Rs. 200 with interest at 12 per cent. per month. The Court may set the bond aside, but may order B to repay the Rs. 100 with such interest as may seem just."

Amendment of section 74, Act IX of 1872.

4. (*1*) Section 74, paragraph one, of the said Act is hereby repealed and the following paragraph is substituted therefor, namely:—

Compensation for breach of contract where penalty stipulated for.

"74. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, *or if the contract contains any other stipulation by way of penalty*, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named *or the penalty stipulated for*."

(*2*) After *illustration* (*c*) to the said section the following *illustrations* shall be added, namely:—

"(*d*) A gives B a bond for the repayment of Rs. 1,000 with interest at 12 per cent. at the end of six months, with a stipulation that in case of default interest shall be payable at the rate of 75 per cent. from date of default. This is a stipulation by way of penalty, and B is only entitled to recover from A such compensation as the Court considers reasonable.

(*e*) A, who owes money to B, a money-lender, undertakes to repay him by delivering to him 10 maunds of grain on a certain date and stipulates that, in the event of his not delivering the stipulated amount by the stipulated date, he shall be liable to deliver 20 maunds. This is a stipulation by way of penalty and B is only entitled to reasonable compensation in case of breach.

(*f*) A undertakes to repay B a sum of Rs. 1,000 by five equal monthly instalments, with a stipulation that in default of payment of any instalment the whole shall become due. This stipulation is not by way of penallty and the contract may be enforced according to its terms."

STATEMENT OF OBJECTS AND REASONS.

THE intention of this Act is not to interfere with the freedom of contract where consent is free and parties contract on a footing of equality, but to give the Courts a wider discretion in dealing with certain inequitable contracts where at present their powers appear to be unduly limited.

Notes to Clauses.

Clause 1 (*3*).—As the proposed Act will not of itself invalidate any contract heretofore made but will merely confer an increased equitable jurisdiction on the Courts, it seems right that it should apply to all suits instituted after the commencement of the Act even though the contract which forms the subject of litigation was entered into before the commencement of the Act.

Clause 2.—The foundation of the existing rules as to undue influence is the fact that the parties do not contract on a footing of equality and therefore that the consent is not free. But the existing definition of "undue influence" in section 16 of the Indian Contract Act, 1872, is merely an enumeration of two common classes of cases of undue influence and not a statement of the principle on which those cases depend. The object of sub-section (*1*) is to state the general principle which governs the law of undue influence without confining it to the cases specifically enumerated.

It is obvious that the person who is in a position to exercise undue influence over another may or may not have exercised it in fact. But it seems right that, where the parties do not contract on a footing of equality, the party who is in a position to dominate the other should be called on to show that he has not taken advantage of his position. This is the object of sub-section (*3*), which will enable the Court to go behind the letter of the contract and inquire into the substantial fairness of the whole transaction.

Clause 3.—Where the Court finds as a fact that undue influence has been exercised, it is necessary to give it a wide discretion to do justice between the parties. If the contract has not been performed on either side, it will be sufficient for the Court to set it aside absolutely; but, where the contract has been performed partly by either or both of the parties, it is clear that, by merely setting aside the contract, the parties cannot be restored to their original position. It is therefore necessary to arm the Court with powers to impose terms and conditions so as to do complete justice in the case. The new clause 19A which it is proposed to add to the Indian Contract Act, 1872, is intended to effect this object.

Clause 4.—Section 74 of the Indian Contract Act, 1872, appears to have been intended to abolish the highly technical distinction of English law between penalty clauses and clauses stipulating for liquidated damages, but, owing to the language employed, divergent views have been taken by the Courts as to the cases covered by the section. It seems desirable that a liberal construction should be placed on the equitable powers intended to be conferred by the section and therefore the language of the section has been amplified so as to make it apply in terms to all stipulations by way of penalty, whether the penalty consists of a sum named or not.

The 15th March, 1898.

J. WOODBURN.

J. M. MACPHERSON,
Secretary to the Government of India.

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LAHORE, THURSDAY, JULY 21, 1898.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th July, 1898:

NO. 7 OF 1898.

A bill to make better provision for the regulation of the importation of live-stock.

WHEREAS it is expedient to make better provision for the regulation of the importation of live-stock which is liable to be affected by infectious or contagious disorders; It is hereby enacted as follows:

Short title, local extent and commencement.

1. (*1*) This Act may be called the Live-stock Importation Act, 1898.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) the expression "infectious or contagious disorders" includes tick-pest, anthrax, glanders, farcy, scabies and any other disease or disorder which may be specified by the Governor General in Council by notification in the Gazette of India; and

(*b*) "live-stock" includes horses, kine, camels, sheep and any other animal which may be specified by the Governor General in Council by notification in the Gazette of India.

Power to regulate importation of live-stock.

3. (*1*) The Governor General in Council may, by notification in the Gazette of India, regulate, restrict or prohibit, in such manner and to such extent as he may think fit, the bringing or taking, by sea or land, into British India or any specified place therein, of any live-stock which may be liable to be affected by infectious or contagious disorders, and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or that may have been in contact therewith.

(*2*) A notification under sub-section (*1*) shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of customs at every port shall have the same powers in respect of any live-stock or thing, with regard to the importation of which such a notification has been issued, and the vessel containing the same, as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly. [*Cf.* IV of 1884, s. 6(*2*).] VIII of 1878.

Power for Local Government to make rules.

4. (*1*) The Local Government may, subject to the control of the Governor General in Council, make rules for the detention, inspection, disinfection or destruction of imported live-stock, and of fodder, dung, stable-litter, clothing, harness or fittings appertaining to imported live-stock or that may have been in contact therewith, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

(*2*) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

Protection to persons acting under Act.

5. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act. [*Cf.* III of 1897, s. 4.]

STATEMENT OF OBJECTS AND REASONS.

THE importation into one of the seaports of British India of a cargo of horses from Australia, which proved to be infected with the tick disease—a disease very fatal to cattle and capable of being conveyed by other animals, such as horses, themselves immune from it—led to an examination of the existing legal powers of the Government to prevent the importation of live-stock liable to be affected by infectious or contagious disorders. As these powers were found to be defective it has been decided, in consultation with the Governments of Madras, Bombay and Bengal, to take the necessary powers. Instead of amending the Indian Ports Act (X of 1889), it is thought preferable to proceed by way of a self-contained Act.

2. The provisions of the Bill are general in character, and empower the Governor General in Council to regulate, restrict or prohibit the importation into British India by land or sea of any live-stock which may be liable to be affected by infectious and contagious disorders. The Bill confers necessary powers on officers of Customs at every port, and enables Local Governments to make rules for detention, inspection, disinfection or destruction of such stock, and for the guidance of officers appointed under the rules.

3. It is not intended to interfere with the inland trade, except so far as to prevent the removal of live-stock, the importation of which has been prohibited, from one part of British India to another.

The 13th July, 1898. C. M. RIVAZ.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 8, 1898.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd September, 1898:

No. 8 of 1898.

A Bill to amend the Law relating to Arbitration.

WHEREAS it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Arbitration Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Application.

2. This Act shall apply only in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could be instituted in a Presidency-town:

Provided that the Local Government may, by notification in the local official Gazette, declare this Act applicable in any other local area as if it were a Presidency-town:

Repeal.

3. Sections 523 to 526 of the Code of Civil Procedure are hereby repealed as regards the Presidency-towns, and shall be repealed as regards any local area to which this Act may hereafter be applied by notification under the last foregoing section, with effect from the date of such notification:

Provided that nothing in this Act shall affect any arbitration pending in a Presidency-town at its commencement or in any local area at the date of its application as aforesaid, but shall apply to every arbitration commenced after the commencement of this Act or the date of its application, as the case may be, under any agreement previously made. [52 & 53 Vict., c. 49, s. 25.]

Definitions.

4. In this Act, unless there is anything repugnant in the subject or context,— [*Ibid.*, s. 27.]

(*a*) "the Court" means, in the Presidency-towns, the High Court and, elsewhere, the Court of the District Judge; and

(*b*) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court. [*Ibid.*, s. 1.]

Provisions implied in submissions.

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission. [*Ibid.*, s. 2.]

Reference to arbitrator appointed by third person.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator appointed by the Calcutta Chamber of Commerce.

[52 & 53 Vict., c. 49, s. 5.]

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

8. (*1*) In any of the following cases:

(*a*) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not after differences have arisen, concur in the appointment of an arbitrator;

(*b*) if an appointed arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;

(*c*) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him;

(*d*) where an appointed umpire or third arbitrator refuses to act or is incapable of acting or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire or third arbitrator.

(*2*) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

[*Ibid.*, s. 6.]

Power for parties in certain cases to supply vacancy.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

(*1*) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him, may appoint a new arbitrator in his place;

(*2*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator, may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of this section.

[*Ibid.*, ss. 7, 8 and 22.]

Powers of arbitrator.

10. (*1*) The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

(*a*) have all the powers of a Civil Court in respect of the summoning and examining of witnesses and the issuing of process for the production of documents;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in a submission or award any clerical mistake or error arising from any accidental slip or omission.

(*2*) Every proceeding before an arbitrator or arbitrators under this Act shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code.

Award to be signed and filed.

11. (*1*) When the arbitrators or umpire have made their award, they shall sign it and, at the request of any party thereto or any person claiming under him, cause it, or a signed copy of it, to be filed in the Court, and notice of the filing shall be given to the parties to the submission.

(*2*) Where the arbitrators or umpire state a special case under section **10**, sub-section (*1*), clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

Power for Court to enlarge time for making award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power to remit award.

13. (*1*) The Court may from time to time remit the award to the reconsideration of the arbitrators or umpire.

(*2*) Where an award is remitted under sub-section (*1*), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

Award when filed to be enforceable as a decree.

14. (*1*) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall be enforceable as if it were a decree of the Court:

Provided that, where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

(*2*) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may decree that the party in possession shall pay the other party rupees one thousand, the said sum to be reduced to rupees five, if the ring is returned within fourteen days.

Power to remove arbitrator or umpire.

15. Where an arbitrator or umpire has misconducted himself the Court may remove him.

Costs.

16. Any order made under this Act may be made on such terms as to costs or otherwise as the authority making it thinks fit.

Forms.

17. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power for High Court to make rules.

18. The High Court may make rules consistent with this Act as to—

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto; and,

(*c*) generally, all proceedings in Court under this Act.

I of 1877.

Amendment of section 21, Act I, 1877.

19. In section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure" the words and figures "and the Indian Arbitration Act, 1899," shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted.

[52 & 53 Vict., c. 49, s. 23.]

Crown to be bound.

20. The provisions of this Act shall be binding on the Crown.

THE FIRST SCHEDULE.

(*See section 6.*)

PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

[52 & 53 Vict., c. 49, Sch. I.]

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may from time to time enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them respectively, shall, subject to *the provisions of any law for the time being in force*, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(*See section 17.*)

FORM I.

Submission to single arbitrator.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of ;

Now we, the said A. B. and C. D., do hereby agree to refer all matters in difference between us to the award of X. Y.

(*Signed*) A. B.

C. D.

Dated the , 189 .

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning .

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.

C. D.

Dated the , 189 .

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas, by an agreement in writing, dated the day of , 18 , and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned;

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties;

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.

C. D.

Dated the , 189 .

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 189 .

(*Signed*) X. Y.,

Dated the , 189 . *Arbitrator.*

FORM V.

Special case.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of :—

The following special case is, pursuant to the provisions of section 10, sub-section (*1*), clause (*b*), of the said Act, stated for the opinion of the * :—

Here specify Court.

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether ____________________

____

Secondly, whether ____________________

____

(*Signed*) X. Y.,

Dated the , *189* . *Arbitrator.*

FORM VI.

Award.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of :—

Whereas in pursuance of an agreement in writing, dated the day of , 189 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., all matters in difference between them (*or as the case may be*) ;

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :—

I order—

(1) that ____________________

____

(2) that ____________________

____

(*Signed*) X. Y.,

Dated the , *189* . *Arbitrator.*

STATEMENT OF OBJECTS AND REASONS.

THIS Bill has been drawn on the lines of the English Arbitration Act of 1889, and is the outcome of certain representations received from the Chambers of Commerce at Rangoon, Karachi and Cawnpore. The proposal thus made has been circulated for opinion and has elicited very general support, including that of the Bengal, Madras and Bombay Chambers of Commerce, the Bengal National Chamber of Commerce and the British Indian Association.

2. The case for legislation is based upon the inadequacy of the existing law. The provisions on the subject, which are now to be found in the Contract and Specific Relief Acts, amount to this, that, if a person who has contracted to refer to arbitration any dispute that may arise between him and another, refuses to do so, his contract will be a bar to his afterwards bringing a suit in respect of the matter which he originally agreed so to refer. These provisions are, however, of a negative kind and ineffective in practice, for the recusant party has, as a rule, only to remain inactive in order to be beyond the reach of the other party. The Code of Civil Procedure, no doubt, aims at what is required, but the sections in point are defective in that—

(1) they have been held to apply only to disputes which have arisen at the time of the agreement to refer, and not to disputes which may arise in the future ; and

(2) they require the agreement to refer either to name the particular arbitrator or to leave the Court to appoint one.

3. The first of these defects has been to some extent removed by the recent Full Bench ruling of the Bombay High Court in the case of *Fazulbhoy Mehrali Chinoy* v. *The Bombay and Persia Steam Navigation Company, Limited*, I. L. R. 20 Bom. 232, in which it was held that the Code *does* apply to future disputes. But the second defect remains, with the result that the case of an agreement to refer, for example, "to the arbitration of a person to be nominated by the Bengal Chamber of Commerce," is apparently unprovided for. Moreover, it is uncertain whether the other High Courts will follow the Bombay Judges, while the ruling of the latter itself shows that the provisions of Chapter XXXVII of the Code which it is proposed to supersede, require revision in view of the many conflicting decisions regarding them which are to be found in the Law Reports.

4. The measure is drawn so as to apply in the first instance to the Presidency-towns alone and to be capable of further extension should that be deemed desirable.

The 31st August, 1898. M. D. CHALMERS.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

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Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 29, 1898.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd September, 1898:

NO. 11 OF 1898.

A Bill to amend the law relating to the forgery of currency-notes and bank-notes.

WHEREAS it is expedient to amend the law relating to the forgery of currency-notes and bank-notes; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Currency-Notes Forgery Act, 1898; and

(*2*) It shall come into force at once.

XLV of 1860.

Insertion of new sections after section 489, Act XLV, 1860.

2. After section 489 of the Indian Penal Code the following sections shall be inserted, namely:

"*Of Currency-Notes and Bank-Notes.*

[Cf. 24 & 25 Vict., c. 98, s. 13]

Possession of forged notes.

"489A. Whoever without lawful authority or excuse (the proof whereof shall lie on the accused) buys or receives from any other person or has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punishable with transportation for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

[Cf. 24 & 25 Vict., c. 98, ss. 14, 16, 17, 18]

Making or possession of any instruments or materials for forging currency-notes or bank-notes.

"489B. Whoever without lawful authority or excuse (the proof whereof shall lie on the accused)—

(*a*) makes or begins or prepares to make or uses or knowingly has in his possession or disposes of—

(*i*) any paper or other substance resembling any paper such as is specially provided by the proper authority for the purposes of being used for making any currency-note or bank-note, or

(*ii*) any machinery or instrument or material for making any such paper or other substance or capable of producing in or on such paper or substance any words, figures, letters, marks or lines, resembling any words, figures, letters, marks or lines, used in or on any paper specially provided for any such purpose; or

(*b*) impresses or makes upon any plate or material any words, figures, letters, marks or lines, the impression whereof resembles, in whole or part, the words, figures, letters, marks or lines used in any such document as aforesaid; or

(*c*) uses, or knowingly has in his possession or disposes of, any plate or material upon which any such words, figures, letters, marks or lines are impressed or made; or

(*d*) uses, or knowingly has in his possession or disposes of, any paper or other substance on which is written or printed the whole or any part of the usual contents of any such document as aforesaid;

shall be punishable with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

V of 1898.

Addition to Schedule II, Act V, 1898.

3. In the Code of Criminal Procedure, 1898, Schedule II, after the entries relating to section 489 of the Indian Penal Code the following shall be inserted, namely:

XLV of 1860.

Of Currency-Notes and Bank-Notes.

489A.	Possession of forged notes ...	May arrest without warrant	Warrant	Not bailable.	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
489B.	Making or possession of any instruments or materials for forging currency-notes or bank-notes.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Indian Penal Code (Act XLV of 1860) so as to provide more adequately for the protection of currency-notes and bank-notes from forgery.

2. The subject has been forced on the attention of the Government of India by the fact that cases of forged currency-notes have become more frequent in recent years, and that several instances have of late occurred of the reproduction, by means of photography and with apparent fraudulent intent, of currency-notes.

3. Under the Indian Penal Code, which was passed prior to the existence of a paper-currency in India, currency-notes are not protected by any special provisions, but merely by the general provisions applying to the forgery of valuable securities. There appears, however, to be a very clear and obvious distinction between documents which pass from hand to hand as money, form about one-sixth of the whole currency circulation and come into the possession, occasionally at any rate, of even the most ignorant classes of the population, and other valuable securities which are often drawn up by a lawyer, concern only the persons who execute them, can be transferred only under certain legal formalities and usually come into the possession only of experts. Protection which may be ample for documents of the latter kind, may be quite inadequate for those of the former.

4. Such a distinction is already recognized by the English Statute law, which contains special penal provisions for the forgery of bank-notes (as well as certain other notes and bills circulating among merchants and bankers almost as freely as bank-notes), for the possession and uttering of forged bank-notes, and for the possession of papers and instruments (such as engraved plates, etc.) intended to be used in forging bank-notes. These provisions are to be found in the Forgery Act, 1861 (24 & 25 Vict., c. 98), and relate to the following offences:

(1) the forging or altering a bank-note, or the uttering a forged bank-note with intent to defraud (section 12);

(2) the purchasing, receiving or possessing a forged bank-note or blank bank-note, without lawful authority or excuse, the proof of which lies on the party accused (section 13);

(3) the making or having a mould, etc., for making paper with water-marks, etc., such as are used for bank-notes, or the selling or having or imitating such paper without lawful authority or excuse, the proof of which lies on the party accused (section 14);

(4) the engraving or having any plate, etc., for making bank-notes or blank bank-notes, or the uttering or having paper upon which a blank bank-note or part of a bank-note has been printed without lawful authority or excuse, the proof of which lies on the party accused (section 16);

(5) the engraving or having any plate, etc., for producing a word, number, figure, device, character or ornament resembling any part of a bank-note, or the uttering or having paper bearing any such impression without lawful authority or excuse, the proof of which lies on the party accused (section 17).

5. In India charges for forging currency-notes have to be preferred under section 467 of the Indian Penal Code; for uttering them under section 471; and for making or possessing counterfeit plates under section 472. The provisons of section 467 as to the forgery of documents seem not materially to differ from those of the English law on the subject, and they afford sufficient means for dealing both with forgery generally and with the forgery of currency-notes. But a reference to the other sections will show how much less explicit they are than the English law and how much more difficult it consequently is to obtain a conviction under them.

6. It is, for instance, provided in section 472 that the preparing or having a plate, etc., for making an impression, intending that the same shall be used for the purpose of committing forgery, is an offence, the intention being of the very essence and the burden of proving it being laid upon the prosecution. The English law, on the other hand, renders the same act punishable, if it is done without lawful authority or excuse, and throws the burden of proving lawful authority or excuse upon the accused person, and not upon the prosecution.

7. This is a very important point throughout these offences. In every instance (except that of actual forgery), instead of the prosecution being bound to prove the intention, the accused is under the English law required to show that he has lawful authority or excuse for what he does or for what he has in his possession. The Courts will, doubtless, often presume the accused's intention from his actions and the concomitant circumstances, but the fact remains that the burden of proof as regards lawful excuse is in England thrown on the accused, and it will readily be seen in how much stronger a position the prosecution in that country is thus placed.

8. There is another distinction, and it seems to be of almost as great importance as, or perhaps of even greater importance than, that just mentioned. It will be noticed that the English

law renders punishable the possession of "blank" bank-notes, or even of a very small part of a bank-note, when forged, unless the accused can show lawful authority or excuse. But under the Indian Penal Code this is not an offence, and even the uttering, or attempting to utter, such blank notes or parts of notes (though it might possibly be punishable as cheating or attempting to cheat) is not punishable under the sections relating to forgery. This is apparently due in the main to the fact that currency-notes are protected only by the general law relating to valuable securities, in the case of which the signature of some party to the deed is the all-important formality. It has been held that the "making" of a false document consists in the document or part of a document being signed or sealed with the name or seal of a person who did not in fact sign or seal it; and this ruling has been applied to currency-notes. Therefore, in order to forge a currency-note, it is necessary to forge the signature, and the possession of a portion of a counterfeit note, or even of the whole of such a note complete in every respect except as to the signature, is not an offence of any kind. It is clear that this constitutes a dangerous position for the paper-currency of British India.

9. The foregoing remarks relate to the protection of currency-notes from preparations for, and attempts at, forgery. It has, however, been deemed desirable to bring within the scope of the Bill bank-notes as well as currency-notes; for, although the case of the former is much less important than that of the latter, the Government of India consider that bank-notes, and especially those of the Bank of England, should, as in the United Kingdom, be afforded the same general protection as that which it is proposed to secure for Indian currency-notes.

10. The clauses of the Bill do not seem to require any further explanation. The provisions of the English law, on which the two sections which clause 2 proposes to add to the Penal Code are based, are referred to in the margin opposite those sections. Clause 3 makes a consequential amendment in the Code of Criminal Procedure.

The 23rd September, 1898. J. WESTLAND.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

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LAHORE, THURSDAY, OCTOBER 27, 1898.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st October, 1898:

No. 12 OF 1898.

A Bill to further amend the Indian Evidence Act, 1872.

I of 1872. WHEREAS it is expedient to further amend the Indian Evidence Act, 1872; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Indian Evidence Act, 1898; and

(*2*) It shall come into force at once.

Addition to section 37, Act I, 1872.

I of 1872. 2. To section 37 of the Indian Evidence Act, 1872, the following shall be added, namely:

"This section applies also to any Act of the Lieutenant-Governors in Council of the North-Western Provinces and Oudh, the Punjab and Burma."

Amendment of section 45, Act I, 1872.

3. In section 45 of the said Act, as amended by section 4 of the Indian Evidence Act Amendment Act, after the word "hand-writing," in each of the two places in which it occurs, the words "or finger-impressions" shall be inserted. XVIII of 1872.

Amendment of section 86, Act I, 1872.

4. In section 86 of the said Act, as amended by section 8 of the Indian Evidence Act (1872) Amendment Act, 1891, for the second paragraph the following shall be substituted, namely: III of 1891.

"An officer who with respect to any territory or place not forming part of Her Majesty's dominions is a Political Agent therefor, as defined in section 3, clause (40), of the General Clauses Act, 1897, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place." X of 1897.

Partial repeal of section 8, Act III, 1891.

5. In section 8 of the Indian Evidence Act (1872) Amendment Act, 1891, the words and figures from "and to the same" to the end of the section are hereby repealed. III of 1891.

STATEMENT OF OBJECTS AND REASONS.

IT has been held by the Calcutta High Court in the case—apparently unreported—of *The Queen-Empress* v. *Fakir Mahomed Shek, Ershad Ali Shek and Sita Nath Dass,* which was decided on the 16th July, 1896, that the opinion of an expert as to the identity of finger-impressions is not admissible under section 45 of the Indian Evidence Act, 1872 (I of 1872). The system of identification by means of such impressions is gaining ground and has been introduced with considerable success, especially in the Lower Provinces of Bengal. It seems desirable that expert-evidence in connection with it should be admitted, and with that object it is proposed, by clause 3 of this Bill, expressly to amend the law on the subject.

2. The opportunity has been taken to suggest the amendment of two other sections of the Indian Evidence Act, 1872. When the Act was passed, the Legislative Councils of the North-Western Provinces and Oudh, of the Punjab and of Burma had not been constituted, and section 37, therefore, fails to render relevant statements as to facts of a public nature made in the recitals contained in the Acts of those legislatures. Clause 2 of the Bill will remove what is now an obvious lacuna in the Act.

3. The remaining amendment proposed by clauses 4 and 5 of the Bill is of a purely formal character. There is no section in the Code of Criminal Procedure, 1898 (Act V of 1898), corresponding with section 190 of the Code of 1882, the definition of "Political Agent" having been omitted from the new Act, because it has now been defined once for all by section 3, clause (40), of the General Clauses Act, 1897 (X of 1897).

M. D. CHALMERS.

The 8th October, 1898.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 10, 1898.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th November, 1898:

No. 13 of 1898.

THE GLANDERS AND FARCY BILL.

CONTENTS.

A Bill to consolidate and amend the Law relating to Glanders and Farcy.

WHEREAS it is expedient to *consolidate and amend the law relating to glanders and farcy*; It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the *Glanders and Farcy Act, 1898*. [1.]

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

Definition of "diseased."

2. (*1*) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders *or* farcy *or any other dangerous epidemic disease among horses which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.* [2.

(*2*) *The provisions of this Act relating to horses shall apply also to asses and mules.*

Application of Act to local areas by Local Government.

3. The Local Government may, by notification in the *local* official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the *province*. [3.

Local Government to appoint Inspectors.

4. (*1*) When this Act has been so applied to any local area, the Local Government may, by notification in the *local* official [4.]

Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

(2) Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code. XLV of 1860.

[5.] 5. *Within the local limits for which he is so appointed, any* such Inspector may, subject to such rules as the Local Government may make in this behalf, enter and search any field, building or other place *for the purpose of ascertaining whether there is therein any horse which is diseased within the meaning of this Act.*

Power of entry and search.

[6.] 6. Within *such* limits *as* aforesaid, any such Inspector may seize any horse which he has reason to believe is diseased.

Power of seizure.

[7 7. On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Practitioner as the Local Government may appoint in this behalf:

Horse to be examined by Veterinary Practitioner.

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

[8.] 8. (*1*) If such *Veterinary* Practitioner certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed:

Horse to be destroyed if found diseased: otherwise restored.

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the Local Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) If such Veterinary Practitioner does not so certify *that such horse is diseased*, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

[9.] 9. (*1*) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may by rule prescribe, destroyed.

When horse diseased, place where it has been to be disinfected, etc.

(2) On the failure or neglect of such owner or other person to comply with such notice within a reasonable time, the Inspector shall cause such building, shed, place or lines to be disinfected and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as if it were a fine.

10. The owner or any person in charge of a diseased horse shall give immediate information of such horse being diseased to the Inspector or to some *police*-officer.

Owner or person in charge of diseased horse to give notice.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license.

Prohibition against removal, without license, of horse which has been with diseased horse.

12. (*1*) *Whoever, being an* Inspector *appointed under this Act, vexatiously and unnecessarily,* enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, shall be punish*able* with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entries, searches and seizures.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

13. *Whoever* refuses or neglects to comply with any notice issued by the Inspector under section 9, or moves any horse in contravention of section 11, shall be punish*able* with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for refusing to comply with notice under section 9, or for moving horse contrary to section 11.

14. (*1*) The Local Government may make rules *to carry out the purposes and objects of this Act.*

Power to make rules.

(2) *In particular and without prejudice to the generality of the foregoing power, such rules may—*

(*a*) regulat*e* entries and searches by Inspectors under this Act;

(*b*) regulat*e* the destruction *or treatment, as the case may be*, of horses certified under section 8 to be diseased, and the disposal of the carcases of *diseased* horses *which have been destroyed thereunder;*

(*c*) regulat*e* the disinfecting of buildings and places in which diseased horses have been, and prescrib*e* what things found therein or near thereto shall be destroyed; *and*

(*d*) regulat*e* the grant of licenses under section 11 and the conditions on which such licenses shall be granted.

(3) All such rules shall be published in the *local* official Gazette, and, *on such publication*, shall have *effect as if enacted by this Act.*

(4) *In making any* rule under this section, *the Local Government may direct that a breach of it* shall be punish*able* with imprisonment *for a term* which may extend to one month, or with fine which may extend to fifty rupees, or with both.

[15.] 15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder.

Appointment of same person to be both Inspector and Veterinary Practitioner.

[New.] 16. *The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof.*

Repeal.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 16.)

Year.	No.	Short Title.	Extent of Repeal.
1879	XX	*The Glanders and Farcy Act, 1879.*	*The whole Act.*
1891	XII	*The Repealing and Amending Act, 1891.*	*So much as relates to Act XX of 1879.*
1896	XV	*The Glanders and Farcy Act (1879) Amendment Act, 1896.*	*The whole Act.*
1897	XIV	*The Indian Short Titles Act, 1897.*	*So much as relates to Act XV of 1896.*

STATEMENT OF OBJECTS AND REASONS.

SECTIONS 5 and 6 of the Glanders and Farcy Act, 1879 (XX of 1879), as interpreted by the Courts, merely empower an Inspector appointed under that Act to enter and search, with a view to seizure, any building or place in which, from personal knowledge or information taken down in writing, he has reason to believe that there is a horse affected with glanders or farcy. They give such an officer no power to visit places, such as livery stables, for the purpose of ascertaining whether there is therein any animal which is so diseased and ought, in the public interests, to be seized and destroyed. The main object of the legislation now proposed—see clauses 5 and 6 of the Bill—is to remove this defect in the law.

2. The expediency of making the Act capable of application, like the Bengal Contagious Diseases (Animals) Act, 1880 (Ben. Act VIII of 1880), to diseases among horses, other than glanders or farcy, has at the same time been brought to the notice of the Government of India, and a wider meaning has, in consequence, been given to the word "diseased" by clause 2 (1) of the Bill.

3. These changes involve certain other ancillary amendments in the Act of 1879. Thus, section 8 is imperative as to the immediate destruction of a horse affected with glanders or farcy; but this is not necessary in the case of, say, anthrax, to which the law may hereafter be extended, and clause 8 of the Bill has, therefore, been drawn in a modified form. Again, section 12 must cease to penalize entry or search without reasonable ground of suspicion, and the corresponding clause now proposed has been altered accordingly. Finally, the Act has already been more or less substantially amended by Acts XII of 1891 and XV of 1896, and, in these circumstances, it has been deemed desirable to repeal the whole and to re-enact it with the necessary alterations. The measure has thus taken the form of "a Bill to consolidate and amend the law relating to glanders and farcy."

The 28th October, 1898. C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th November, 1898:

No. 14 OF 1898.

A Bill to amend the Law relating to Carriers.

WHEREAS it is expedient to amend the law relating to carriers; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Carriers Act, 1899; and

(*2*) It shall come into force on the first day of May, 1899.

Addition of new section 10 to Act III, 1865.

2. After section 9 of the Carriers Act, 1865 the following section shall be added, namely: III of 1865.

Notice of loss, damage or non-delivery to be given within six months.

"10. No suit shall be instituted against a common carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, unless notice of the loss, damage or non-delivery, as the case may be, has been given to him before the institution of the suit and within six months of the time when the loss, damage or non-delivery first came to the knowledge of the plaintiff."

Amendment of Schedule II, Act XV, 1877.

3. In the second schedule to the Indian Limitation Act, 1877, the entry numbered 30 shall be removed from Part V to Part IV, and for the words "Two years" in the second column thereof, fixing the period of limitation for a suit against a carrier for compensation for losing or injuring goods, the words "One year" shall be substituted. XV of 1877.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill proposes to add to the Carriers Act, 1865 (III of 1865), a section providing that no suit shall be instituted against a common carrier for loss, damage or non-delivery of goods entrusted to him for carriage unless notice has been given to him before the institution of the suit and within six months of the time when the loss, damage or non-delivery came to the knowledge of the plaintiff. It further proposes to amend the second schedule to the Indian Limitation Act, 1877 (XV of 1877), so as to reduce the period of limitation for the institution of such a suit from two years to one year from the time when the loss or injury complained of occurred.

2. The measure is the outcome of representations which have from time to time been made by certain River Steamer Companies and have formed the subject of prolonged consideration on the part of the Secretary of State, the Government of India and Local Governments. These Companies have for several years past been pressing to be relieved from some of the liabilities which fall upon them as common carriers. At the outset the chief cause of complaint lay in the fact that steam-boats belonging to railways had by section

81 of the Indian Railways Act, 1890 (IX of 1890), been exempted from the obligations imposed by the Carriers Act, 1865; but this has been removed through the repeal, by Act IX of 1896, of the special provision in question. There remains, however, a further grievance which, in the opinion of the Government of India, calls for a remedy. The onus of proving the absence of negligence or of criminal conduct is, by section 9 of the Act of 1865, laid upon the carrier; and it seems unreasonable that persons in the position of these Companies should be liable to meet claims preferred, it may be, two years after the occurrence of the cause of action, when it is difficult, if not impossible, for them to defend themselves with the necessary evidence, consisting in the main, as it must, of the statements of the crew, who never make engagements for so long a period. It would not be right to legislate in favour of River Steamer Companies only, and it has, therefore, been decided to require that notice be given within a reasonable time of the intention to bring a suit against *any* carrier, and that the period of limitation in such cases should be reduced. As to the amount of the notice and the extent of the reduction there has been some difference of opinion; but the Government of India have, after giving their best consideration to the matter, arrived at the conclusion that notice should be given within six months, and that the period of limitation should be fixed at one year, instead of at two years.

3. These proposals will not meet all the demands made by the Companies referred to; but the Government of India think that they will remove all just cause of complaint on their part.

The 22nd October, 1898. M. D. CHALMERS.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th November, 1898:

NO. 15 OF 1898.

THE CANTONMENTS (HOUSE-ACCOMMODATION) BILL.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

CHAPTER II.

APPLICATION OF ACT.

CHAPTER III.

APPROPRIATION OF HOUSES FOR OCCUPATION BY OFFICERS.

SECTIONS.

The Cantonments (House-Accommodation) Bill.

(Chapter I.—Preliminary.—Sections 1-2.)

CHAPTER IV.

COMMITTEES OF ARBITRATION.

SECTIONS.

CHAPTER V.

APPEALS.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

[The "Rules" referred to on the margin are the draft Cantonment Rules published for criticism in the Supplement to the Gazette of India of the 26th September, 1896.]

A Bill to make better provision for securing house-accommodation for officers in cantonments.

WHEREAS various conditions, rules, regulations and orders have from time to time been laid down by, or by the authority of, the Government, in regard to the grant of land and the occupation of land and houses in cantonments, with the object of securing, among other things, that houses built on such land should be made available when required for the accommodation of officers of the army;

And whereas, notwithstanding the said conditions, rules, regulations and orders, difficulties have frequently been experienced in obtaining house-accommodation in cantonments for officers of the army, and it is expedient to make better provision for that purpose;

And whereas it has from time to time been found necessary in certain cases to admit civil officers of the Government to the benefit of certain of the conditions, rules, regulations and orders aforesaid, and it is expedient to make better provision for obtaining house-accommodation in cantonments for such civil officers;

It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Cantonments (House-Accommodation) Act, 1899.

(2) It extends to the whole of British India (inclusive of British Baluchistan), except Aden; and

(3) It shall come into force at once, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Cantonment Authority" means a Cantonment Committee, or, in the case of a cantonment for which such a Committee has not been constituted, or has ceased to exist, or cannot be convened, the Commanding Officer of the cantonment: [Cf. Act XIII, 1889, ss. 6 (1), 26 (5).]

(b) "military officer" means a commissioned or warrant officer of Her Majesty's regular forces on military duty in a cantonment, and includes a Chaplain, a Cantonment Magistrate and any person in Army Departmental employment whom the General Officer of the Command may at any time, for the purposes of this Act, place on the same footing as a military officer: [Cf. definition (c) in Annexure to Form B, Schedule IV to Rules.]

(c) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Local Government may at any time, for the purposes of this Act, place on the same footing as a civil officer: [Cf. definition (d), ibid.]

(d) "General Officer of the Command" means the General Officer commanding the forces in a Command; and [Cf. Rule 1 (1).]

"Command" means one of the principal portions into which the army of India is for the time being divided:

The Cantonments (House-Accommodation) Bill.

(Chapter II.—Application of Act.—Sections 3-4. Chapter III.—Appropriation of Houses for Occupation by Officers.—Sections 5-7.)

[Cf. Rule 3 (2).]

(*e*) "grantee" means a person who has been granted permission, before the Cantonment Rules, 189——, came into force, to occupy, for the purposes of a building-site, land belonging to the East India Company or to Her Majesty in a cantonment, and includes the successors in interest of a grantee:

[Cf. definition (a) in Annexure to Form B, Schedule IV to Rules.]

(*f*) "house" means a house erected on land occupied by a grantee, and includes the land and buildings appurtenant to a house; and, if any question arises whether any land or building is appurtenant to a house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final; and

[Cf. definition (b), *ibid.*]

(*g*) the expression "repairs" to a house includes such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations, except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the grantee's consent.

CHAPTER II.

APPLICATION OF ACT.

Cantonments, or parts of cantonments, in which Act is to be operative.

3. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the territories under its administration, other than a cantonment situate within the limits of a Presidency-town.

(*2*) Before issuing a notification under sub-section (*1*) in respect of any cantonment, the Local Government shall cause local inquiry to be made with a view to determining how the land in the cantonment is held.

(*3*) The Local Government shall cause public notice of every such inquiry to be given in the cantonment. Such notice shall specify, if the Act is to be operative in a part only of the cantonment, the particular part of the cantonment in which it is to be operative, and shall require all persons claiming to hold any land in the cantonment or part of the cantonment, as the case may be, by a lawful title acquired by him or his predecessors in title prior to the formation of the cantonment or the inclusion in it of that part in which the Act is to be operative, to appear, personally or by agent, before an officer to be named in the notice at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their claims and their objections (if any) to the land being included in the area in which the Act is to be operative.

(*4*) On the day so fixed, or any other subsequent day to which the inquiry may be adjourned, the officer so named shall proceed to inquire into any claims and objections which any person has stated pursuant to the notice given under sub-section (*3*), and shall make a report thereon.

(*5*) *Primâ facie*, all land in such a cantonment as aforesaid shall be deemed to be held under a grant from Her Majesty, but, if any person proves to the satisfaction of the Local Government that he holds any land by a lawful title acquired by him or his predecssors in title prior to the formation of the cantonment, then such land shall be excluded from the area of the notification, and in like manner if, pending the inquiry or at any time thereafter, any land is proved by the decree of a Court of competent jurisdiction to be held under such lawful title, it shall be excluded from the area of the notification by a further notification to be published in the same manner as the original notification.

Saving of existing grants from the Government.

4. Nothing in this Act shall affect the provisions of any lease or other agreement in writing granted or made by, or on behalf of the East India Company or Her Majesty before the Cantonment Rules, 189——, came into force, unless the lessee or other party entitled consents in writing to be bound by the terms of this Act.

CHAPTER III.

APPROPRIATION OF HOUSES FOR OCCUPATION BY OFFICERS.

Liability of houses to appropriation for occupation by any military or civil officer.

[Cf. Condition VI, Annexure to Form B, Schedule IV to Rules.]

5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (*1*), is for the time being in force, shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by any military or civil officer.

Appropriation of house for a military officer, where it is not already occupied by a military officer.

[Cf. Condition VIII, *ibid.*]

6. Where the Cantonment Authority considers that the liability imposed by section 5 should be enforced in behalf of any military officer, it may, if the house is not already occupied by a military officer, by notice in writing—

(*a*) require the grantee to let the house to the military officer named in the notice, and

(*b*) require the existing tenant (if any) to vacate the same.

Appropriation of house for a military officer, where it is occupied by another military officer.

[Cf. Condition IX, *ibid.*]

7. If a house is occupied by a departmental military officer, and the Cantonment Authority considers that the liability imposed by section 5 should be enforced in behalf of a regimental officer, or *vice versâ*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the grantee to accept the change of tenancy.

The Cantonments (House-Accommodation) Bill.

(Chapter III.—Appropriation of Houses for Occupation by Officers.—Sections 8-15.)

[Cf. Condition X (3), *ibid.*]

Appropriation of house for a civil officer, where it is not already occupied by a military or civil officer.

8. Where the Cantonment Authority considers that the liability imposed by section 5 should be enforced in behalf of any civil officer, it may, if the house is not already occupied by a military or civil officer, by notice in writing,—

(*a*) require the grantee to let the house to the civil officer named in the notice, and

(*b*) require the existing tenant (if any) to vacate the same.

[Cf. Condition XIV, *ibid.*]

Rent offered to be stated in notice to grantee.

9. Every notice to the grantee issued under section 6, section 7 or section 8 shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

[Cf. Condition XI, *ibid.*]

Procedure to be observed before appropriating house.

10. (*1*) Where a military or civil officer considers that a notice should be issued in his behalf under section 6, section 7 or section 8, as the case may be, he may request the Commanding Officer of his regiment or (in the case of a departmental military officer) the local head of his department or (in the case of a civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority.

(*2*) On receipt of an application under sub-section (*1*) the Cantonment Authority shall inquire into the case, and it shall not issue the notice applied for unless it is satisfied—

(*a*) that the officer ought to reside in the cantonment, or, if this Act is in force in part of the cantonment only, then in that part, and

(*b*) that the circumstances are such as to require its intervention, and

(*c*) that the rent offered by the officer for the house is reasonable, and,

(*d*) that the house is suitable for the residence of the officer and, if it is occupied, that there is no vacant house in the cantonment or the said part of the cantonment, as the case may be, which is suitable for the residence of the officer.

Explanation.—In considering whether a house is suitable for the residence of an officer, regard shall be had to (*i*) the locality in which his duties chiefly lie and (*ii*) his rank.

[Cf. Condition XII, *ibid.*]

Sanction to be obtained before a house is occupied as a bank, hotel, shop or school or by a railway administration.

11. No house in any cantonment or part of a cantonment in which the Act has been declared by a notification under section 3, sub-section (*1*), to be operative shall, unless it was so occupied at the date of such notification, be occupied for the purposes of a bank, hotel, shop or school, or by a railway administration without the previous sanction of the General Officer of the Command, given with the concurrence of the Local Government.

(*2*) Before application is made for such sanction as aforesaid, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

(*a*) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military or civil officers, or

(*b*) necessitate the acquisition of land at some future time for the extension of the cantonment.

Houses not to be appropriated for military or civil officers in certain cases.

[Cf. tion *ibid.*]

12. No notice shall be issued under section 6 or section 8, if the house—

(*a*) was occupied prior to the date of a notification under section 3, sub-section (*1*), declaring the Act to be operative in the cantonment or part of the cantonment, or is occupied, with the sanction required by section 11, as a bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(*b*) was occupied prior to the date of such a notification as is referred to in clause (*a*), or is occupied, with the sanction aforesaid, by a railway-administration, or

(*c*) is occupied by the grantee, and was so occupied before the Cantonment Rules, 189—, came into force, or

(*d*) is appropriated by the Local Government with the concurrence of the General Officer of the Command, or by the Governor General in Council, for use as a public office or for any other purpose.

Time to be allowed for giving possession of house.

[Cf. tion *ibid.*]

13. (*1*) If a house is unoccupied, a notice issued under section 6 or section 8 may require the grantee to give possession of the same to the proposed tenant within four days from the service of the notice.

(*2*) If a house is occupied, a notice issued under section 6, section 7 or section 8 shall not require its vacation in less than thirty days from the service of the notice.

Surrender of house when to be enforced.

[Cf. ... (3)]

14. If the grantee fails to give possession of a house to the proposed tenant in pursuance of a notice issued under section 6, section 7 or section 8, or if the existing tenant fails to vacate a house in pursuance of such a notice, the Cantonment Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house.

Option for owner on whom notice is issued under section 6, section 7 or section 8, to call upon the officer concerned or the Government to purchase the house.

15. (*1*) If a house in respect of which a notice is issued under section 6, section 7 or section 8, stands on land which is proved to the satisfaction of the Local Government, or is shown by a decree or order of a Court, to have

The Cantonments (House-Accommodation) Bill.

(Chapter III.—Appropriation of Houses for Occupation by Officers.—Sections 16-22.)

been granted by or on behalf of the East India Company or Her Majesty—

(*a*) under the conditions, rules, regulations and orders in force in Bengal between the twelfth day of September, 1836, and the seventh day of December, 1864 (both inclusive), or

(*b*) under the conditions, rules, regulations and orders in force in Bombay between the seventh day of May, 1838, and the thirty-first day of May, 1875 (both inclusive),

then the grantee shall have the option of either complying with the notice or offering the house for sale to the officer in whose behalf the notice was issued, or to the Secretary of State in Council.

(*2*) If the grantee elects to sell the house, and the said officer or the Secretary of State in Council is willing to purchase it, the amount of the purchase-money to be paid shall, in the event of disagreement, be determined by a Committee of Arbitration.

[Cf. Condition XVI, Annexure to Form B, Schedule IV of Rules.]

Terms of tenancy applicable to military and civil officers.

16. (*1*) Subject to the terms of any agreement in writing between a grantee and a military or civil officer, and to the provisions of this section, every lease of a house to such an officer shall be deemed to be a lease from month to month, terminable—

(*a*) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a Committee of Arbitration deciding, as hereinafter provided for, that the house has become unfit for occupation,

(*b*) by one month's notice to the grantee in any other case.

(*2*) A notice under sub-section (*1*) shall be in writing, signed by or on behalf of the officer; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the grantee free of charge.

(*3*) Where a military or civil officer has, in pursuance of sub-section (*1*), clause (*a*), given up his occupation of a house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not in any case be less than one-fourth of the monthly rent.

[Cf. Condition XVII, ibid.]

Sub-lease voidable at option of grantee.

17. If the tenant of a house, being a military or civil officer, sublets the same without the consent of the grantee, the sub-lease shall be voidable at the option of the grantee.

[Cf. Condition XVIII, ibid.]

Power for grantee to require reference to arbitration on question of rent.

18. (*1*) If the grantee considers that the rent offered by a proposed tenant and stated in a notice in accordance with section 12 is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

(*2*) If the grantee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(*3*) After such acceptance or the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party, except in the circumstances mentioned in section 21, clause (*a*).

[Cf. Condition XIX, ibid.]

Power for grantee to require reference to arbitration on question of repairs.

19. (*1*) If the grantee fails to execute any repairs to a house which the tenant, being a military or civil officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the grantee to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(*2*) If the grantee objects to comply with a notice issued under sub-section (*1*), he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

[Cf. Condition XX, ibid.]

Power for tenant to require reference to arbitration on question whether house has become unfit for occupation.

20. If the tenant of a house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

[Cf. Condition XXI, ibid.]

Power for either grantee or tenant to require reference to arbitration on other questions.

21. If the grantee and the tenant of a house, being a military or civil officer, disagree—

(*a*) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(*b*) on any matter relating to rent or repairs not otherwise provided for by this Act,

either the grantee or the tenant may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

[Cf. Condition XXIII, ibid.]

Power for tenant to execute repairs and deduct cost from rent.

22. (*a*) If the grantee fails to comply with a notice issued under section 19, sub-section (*1*), and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or,

(*b*) if a Committee of Arbitration constituted under Chapter IV decides that repairs are

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(Chapter III.—Appropriation of Houses for Occupation by Officers.—Section 23 Chapter IV.—Committees of Arbitration.—Sections 24-28.)

necessary and the extent to which they are necessary, and the grantee fails to execute such repairs within a period to be specified in a notice issued by the Cantonment Authority in that behalf,

the tenant of the house may himself cause the repairs specified in the notice to be executed, at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the grantee.

[Cf. Condition IV, *ibid.*]

Power for General Officer of the Command to veto transfer of grantee's interest in certain cases.

23. (*1*) Where a grantee intends to transfer, by sale, mortgage, gift or exchange, his interest in any land or house, or in any part of any land or house, situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (*1*), is for the time being in force, he shall be bound to give the Cantonment Magistrate one month's notice in writing before the transfer is completed, unless such notice as aforesaid has been duly given by the intended transferee.

(*2*) The General Officer of the Command shall have power, within the said period of one month and with the concurrence of the Local Government, to impose, by an order in writing, his veto on any such transfer; and, if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(*3*) If notice of any such transfer be not given as aforesaid or if any such transfer be made after the same has been vetoed, the transfer shall be void.

CHAPTER IV.

COMMITTEES OF ARBITRATION.

[Cf. Condition XXII, *ibid.*]

Convening of Committees of Arbitration in cases falling under section 15, sub-section (2).

24. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under section 15, sub-section (*2*), the Cantonment Authority shall apply to the Commanding Officer of the cantonment to refer the matter to a Committee of Arbitration, and the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it.

[Cf. Rule 257.]

Convening of Committees of Arbitration in cases falling under section 18 or section 19.

25. Where a requisition is made to the Commanding Officer of a cantonment under section 18 or section 19 within the period mentioned in such section, he shall forthwith proceed to convene a Committee of Arbitration—

(*a*) to determine the amount of monthly rent to be paid, or

(*b*) to determine whether any and, if so, what repairs are necessary, and the extent to which they are necessary.

[Cf. Rule 258.]

Convening of Committees of Arbitration in cases falling under section 20 or section 21.

26. (*1*) Where a requisition is made to the Commanding Officer of the cantonment under section 20 or section 21, he may, after such inquiry as he may think fit to make, proceed to convene a Committee of Arbitration—

(*a*) to determine whether the house has become unfit for occupation, or

(*b*) to determine the amount of monthly rent to be paid, or

(*c*) to determine whether any and, if any, what repairs are necessary, and the extent to which they are necessary, or

(*d*) otherwise to determine the question in dispute.

(*2*) In the exercise of the discretion vested in him by sub-section (*1*), the Commanding Officer may refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous.

[Cf. Rule 260.]

Procedure for convening Committees of Arbitration generally.

27. (*1*) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined.

(*2*) The Cantonment Magistrate shall send a copy of such order to the District Magistrate and to the parties concerned, and shall, by notice in writing, require the parties to nominate members of the Committee in accordance with the provisions of sections 28 and 29.

[Cf. Rule 261.]

Composition of Committee of Arbitration.

28. Every Committee of Arbitration shall consist of—

(*a*) the District Magistrate, or, if it is inconvenient for him to act on any Committee, some Magistrate, being a Justice of the Peace, appointed by him to act in his stead;

(*b*) a member to be nominated by the military or civil officer concerned; and

(*c*) a member to be nominated by the grantee: Provided that—

(*i*) if the military or civil officer or the grantee fails to nominate a member within seven days from the date on which he may be called upon to do so, or,

(*ii*) if any member who has been nominated, neglects or refuses to act, and the officer or the grantee, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so,

the Commanding Officer of the cantonment shall forthwith appoint a member in the place of a nominee of the officer or grantee, as the case may be.

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[Cf. Rule 263.]

Members of Committees of Arbitration to be persons who are personally disinterested and whose services are immediately available.

29. (*1*) A person shall not be nominated or appointed a member of a Committee of Arbitration unless he is personally disinterested in the matter under reference and his services are immediately available for the purposes of the Committee.

(*2*) If any person who has been nominated, is, in the opinion of the Commanding Officer of the cantonment, personally interested in the matter under reference, or if his services are not immediately available as aforesaid, and if the officer or the grantee, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called on so to do, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 28.

[Cf. Rule 264.]

Assembling of Committees of Arbitration.

30. When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the Committee shall assemble within seven days from the service of the notice.

[Cf. Rule 265.]

Chairman of Committees of Arbitration.

31. The District Magistrate, or the Magistrate appointed by him to act in his stead, shall be the chairman of every Committee of Arbitration.

Calculation of amount of purchase-money by Committees of Arbitration.

32. For the purpose of determining the amount of the purchase-money to be paid for a house to be sold under section 15, sub-section (*2*), the Committee of Arbitration convened under section 24 shall estimate the market-value of the house at the date on which the notice was served on the grantee under section 6, section 7 or section 8, as the case may be.

[Cf. Rule 266.]

Calculation of rent by Committees of Arbitration.

33. For the purpose of determining the amount of monthly rent to be paid for a house, every Committee of Arbitration shall estimate, as nearly as may be, the market-value of all buildings and authorized additions; and the amount of rent determined upon shall be such percentage on such market-value as the Committee may consider reasonable with reference to the circumstances of the neighbourhood, and the period of time and season for which the house is likely to be occupied during the year, and shall include the taxes (if any) levied upon the land, or such proportion thereof as the Committee may find to be customarily paid for the time being in the neighbourhood by tenants.

[Cf. Rule 267.]

Decisions of Committees of Arbitration.

34. (*1*) The decision of every Committee of Arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present.

(*3*) The decision of a Committee of Arbitration shall be final.

CHAPTER V.

APPEALS.

Appeals when allowed.

35. (*1*) If any grantee or any tenant of a house is aggrieved by a notice issued under section 6, section 7 or section 8, he may appeal to the General Officer of the Command. [Cf. Rules 251 and 252.]

(*2*) No such appeal shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, with respect to the computation of the period of limitation thereunder. XV of 1877.

Petition of appeal.

36. (*1*) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against. [Cf. Rule 253.]

(*2*) Any such petition may be presented to the Cantonment Authority; and that Authority shall be bound to forward it to the General Officer of the Command, and may attach thereto any report which it may desire to make in explanation of the notice appealed against.

(*3*) If any such petition is presented direct to the General Officer of the Command and an immediate order on the petition is not necessary, the General Officer of the Command may refer the petition to the Cantonment Authority for report.

Order in appeal final.

37. The decision of the General Officer of the Command on any such appeal shall be final: [Cf. Rule 254.]

Provided that no appeal shall be decided until the appellant has had a reasonable opportunity of being heard.

Suspension of action pending appeal.

38. Where an appeal from a notice has been presented within the period prescribed by section 35, sub-section (*2*), all action on such notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal. [Cf. Rule 255.]

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Power for Governor General in Council to make rules.

39. (*1*) The Governor General in Council may make rules to carry out the purposes and objects of this Act. [Cf. Act XIII, 1889, s. 26 (28), (29), (31).]

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the procedure of Committees of Arbitration;

(*b*) empower Committees of Arbitration to receive evidence and for that purpose to require the production of documents and the attendance of witnesses;

(*c*) define the powers of inspection, entry and search which may be exercised in carrying out this Act or any rule thereunder; and

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(*d*) prescribe the mode in which notices, requisitions and other documents are to be served on the persons to whom they are addressed.

[Cf. Act XIII, 1889, s. 27.]

Supplemental provisions respecting rules.

40. (*1*) The power to make rules under section 39 is subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner as the Governor General in Council may direct.

(*2*) Any rule under section 39 may be general for all cantonments or parts of cantonments in British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts, as the Governor General in Council may direct.

(*3*) A copy of the rules under section 39 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Magistrate.

(*4*) In making any rule under clause (*b*) or clause (*c*) of section 39, the Governor General in Council may direct that any person—

(*i*) failing to comply with any requisition made by a Committee of Arbitration as to the production of documents or the attendance of witnesses, or

(*ii*) obstructing any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in making any inspection, entry or search, XLV of 1860.

shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to eight days and, in case of a continuing offence, with fine which, in addition to such fine or imprisonment as aforesaid, may extend to five rupees for every day after the first during which such offence continues.

[Cf. Act XIII, 1889, s. 2?]

Inapplicability of section 556 of the Code of Criminal Procedure, 1898, to trials of offences against rules.

41. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of Criminal Procedure, 1898, to be a party to, or personally interested in, any prosecution for an offence against any rule under this Act because he is a member of the Cantonment Committee or because he has ordered or approved the prosecution. V of 1898.

[Cf. III, 18.. s. 4.]

Protection to persons acting under Act.

42. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.

STATEMENT OF OBJECTS AND REASONS.

As stated in the preamble to this Bill, various conditions, rules, regulations and orders in regard to the grant of land and the occupation of land and houses in cantonments have from time to time been made with the object of making accommodation available for officers whose duties require their residence within cantonment-limits. These provisions have been collected and are published for general information as an appendix to this Statement; but, notwithstanding their issue in the past, great difficulties have been, and are still being, experienced in the matter.

2. The necessity for removing these difficulties and of making suitable provision for the housing of officers has long been recognized by the Government, and a special Chapter was in 1888 with that object included in the Bill "to amend the law relating to cantonments." The Chapter was, however, subjected to criticism at the time, and as the matter seemed to call for further consideration, while it was thought undesirable to delay the whole measure on that account, it was decided to exclude the provisions in question and to proceed with the rest of the Bill, which was eventually passed into law as the Cantonments Act, 1889 (XIII of 1889). The difficulties referred to have, as was indeed only to be expected, steadily increased, and the Government of India consider it inexpedient any longer to defer remedial legislation on the subject.

3. The Bill which it is proposed now to introduce, has been framed after careful consideration of the objections previously raised, and, while aiming at securing house-accommodation for the military and civil officers of the Government whose presence in cantonments is obviously necessary, it endeavours also to safeguard as far as possible the interests of the house-owners concerned.

Clause 2 (a) : definition of "grantee."—It will be observed that this definition is limited to persons who obtained grants of land prior to the coming into force of certain Cantonment Rules which have at present to be indefinitely referred to in the Bill, inasmuch as, though prepared and published for criticism some time ago, they have not yet come into force. It is intended, however, to bring them into operation before the Bill becomes law. These rules will provide fully for the matters dealt with in the Bill so far as grants made under them will be concerned. Consequently the operation of the Bill will be practically restricted to past grants only.

Clause 3 enacts that the provisions of the proposed Act shall not be operative in any cantonment, or part of a cantonment, until it has been declared to be so by a notification issued by the Local Government with the previous sanction of the Governor General in Council. And it further provides that, before any notification of the kind is issued, the Local Government shall cause local inquiry to be made with a view to determining how the land in the cantonment is actually held. The inquiry contemplated is to proceed on the presumption that all land in cantonments is held under a grant from the Government; but, if any person is able to prove to the satisfaction of the Local Government that he holds land in a cantonment by a lawful title obtained prior to the formation of the cantonment, then that land is to be excluded from the area within which the provisions of the Act are to be operative. In like manner, if any land is at any time shown, by the decree of a Court of competent jurisdiction, to be held under such a title as is indicated above, it also is to be excepted from the operation of the Act.

Clause 4 expressly declares that nothing in the proposed Act shall affect the provisions of any lease or other agreement in writing granted or made by the Government before the commencement of the Act, unless the lessee or other party entitled consents in writing to be bound by the terms of the Act.

Chapter III deals with the appropriation of houses for occupation by officers, the terms of tenancy and the reference of disputes to arbitration. Clause 12 provides for the exemption, under certain conditions, from appropriation of a house occupied as a bank, hotel, shop, school or public office or by a railway administration ; also a house which is occupied by the "grantee" and was so occupied at the commencement of the Act.

Clauses 18 to 21 contemplate arbitration in case of dispute as regards either rent or repairs, arbitration in such matters having hitherto been an essential condition of the grant of land in cantonments, and clause 22 confers power on the tenant in certain cases to execute repairs himself and deduct the cost from the rent.

Clause 23 takes power in certain cases to veto the transfer of a "grantee's" interest in any land or house in a cantonment. Such a power has hitherto been expressly reserved as one of the conditions of the grant of land in cantonments for building purposes ; but the clause as drafted secures for the "grantee" a safeguard which he has not now, inasmuch as it provides that the power of veto shall be exercised by the General Officer of the Command, instead of by the local military authorities, and then only with the concurrence of the Local Government.

Chapter IV deals with the convening, constitution and proceedings of committees of arbitration. The most important provisions are those to be found in clauses 32 and 33, the former of which lays down the principle on which the selling-value of house-property in cantonments is to be calculated, and the latter the mode of fixing the rent of houses. Clause 33 has been drawn so as to remove what has hitherto been a fruitful source of complaint on the part of house-owners.

Chapter V makes adequate provision for the right of appeal.

The provisions of Chapter VI are supplemental. Power is taken for the Governor General in Council to make rules to carry out the purposes and objects of the proposed Act, and protection is afforded to persons acting under its provisions in good faith.

The 4th November, 1898. EDWIN H. H. COLLEN.

APPENDIX.

Conditions, rules, regulations and orders from time to time in force in regard to the grant of land, and the occupation of land and houses, in British Cantonments in India.

BENGAL.

General Order, dated 27th April, 1789.

* * * * * * * *

Grace's Code, 1791-99; Appendix, page 263.

Standing regulations, revised and amended, for the better preservation of the public buildings at the station of Barrackpore against accidents by fire, and for maintaining greater uniformity in the quarters.

Barrackpore: sanction required to buildings.

Barrackpore: buildings not private property.

No private bungalows or buildings to be erected within the limits of the cantonments unless by permission of Commander-in-Chief. It is made known that such buildings will not be considered private property nor suffered to be removed, nor transferable; and they are to be subject to removal whenever the service requires it.

* * * * * * * *

No compounds, buildings nor enclosures of the verandahs of the quarters to be allowed, except previously applied for to the Quarter Master General; and, when admitted, the following restrictions for the work will be required to be attended to, *viz.*—

* * * * * * * *

Ib., page 264; Carroll's Code, Chapter XI, section 124; Jephson's Code, Part I, 1839, page 230.

Barrackpore: buildings restricted to land allotted.

All stables for officers, houses for their servants, and other buildings are to be restricted to the ground purposely allotted, on the right or left of the line of rear guards.

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Extract from Proceedings of the Governor General in Council, dated 25th June, 1801.

Carroll's Code, Chapter XI, sections 104 to 106.

Gardens.

The Governor General in Council considers it to be highly advisable not to grant any of the ground within the limits of the military cantonments for the purpose of making gardens.

It is not, however, His Excellency's intention to deprive any officers, at present possessing gardens within the limits of the military cantonments, of the use of the ground upon which these gardens are situated, so long as such ground shall not be required for public purposes.

Resumption of land.

Whenever grounds upon which gardens are situated shall be required for public purposes, it will be the duty of the Commanding Officer of the station to remove the gardens, with as little inconvenience to their proprietors as circumstances will admit.

Extract from Proceedings of the Governor General in Council, dated 6th August, 1801.

Carroll's Code, Chapter XI, sections 113, 114, 116 and 117. Jephson's Code, Part I, 1839, page 131.

The Governor General in Council approves of the Regulation proposed by the Military Board respecting the cantonment of Barrackpore, and accordingly directs and orders:—

* * * * * * * *

Barrackpore: certain land not to be enclosed.

Third.—That the grounds round or appertaining to the officers shall not be enclosed, but remain as at present.

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Sixth.—That the bank of the river from the boundary of the ground allotted to the bungalows down to the water's edge, shall be left open.

Barrackpore: houses to be built within cantonments.

It will be sufficient for the due performance of the public duties of the officers under the orders of the Commanding Officer at the station of Barrackpore, and of the Officers Commanding the respective corps, that they be required to build their bungalows within the limits of the cantonments.

Barrackpore: resumption of land.

His Excellency in Council, however, thinks it proper that uniformity should be preserved as much as possible in the principal lines of directions of the bungalows; in their distances from one another, and also in the dimensions of the bungalows; and His Excellency in Council desires that this may be attended to with reference also to his formal orders, which require that all public ground held or possessed by indulgence must be appropriated for bungalows or for other public purposes whenever such grounds shall be wanted.

Resolution of the Military Board, dated 11th September, 1801.

Cultivation.

As admitting the ground within the boundary of cantonments to be cultivated at all by the ryots may lead to its becoming a general practice, the Military Board request Colonel——— will be particularly careful that cultivation in the cantonment of Midnapore is not renewed. Carroll's Code, Chapter XI, section 103.

Extract from Proceedings of the Vice-President in Council, dated 18th February, 1802.

Barrackpore: houses for sale to be offered to officers.

Such bungalows at the station of Barrackpore as may be for sale are to be offered in the first instance to such officers belonging to the corps quartered there as may not already be provided with bungalows; and the privilege of purchasing bungalows at Barrackpore is to be confined to officers of Native corps. Carroll's Code, Chapter XI, section 115; Jephson's Code, Part I, 1839, page 231.

General Order by the Commander-in-Chief, dated 13th April, 1806.

No more land to be occupied than necessary.

The Commander-in-Chief directs that the cantonments ordered to be established at the several stations and posts in the field be built with the strictest attention to regularity, and that no more ground be occupied than is indispensably necessary. Carroll's Code, Chapter XI, sections 97 to 99; Jephson's Code, Part I, 1839, page 229.

Boundaries of cantonments.

Boundaries of sites.

The Deputy Quarter Master General will visit as many of the stations and posts as he can, where new cantonments are forming, for the purpose of describing the limits, marking out the extent of the streets and lines, as well as the space of ground for the bungalows of officers of the respective ranks. For such of the new posts as he may not have time to visit, he will be pleased to forward to the Commanding Officers plans describing the extent of ground and situations of the several public buildings allowed for corps of Native Cavalry and Infantry agreeably to the instructions he has received from head-quarters.

Expenditure on buildings.

His Lordship, moreover, strongly recommends to all officers to expend as little money as possible on the buildings they may have occasion to erect at the stations and posts now ordered to be occupied, as the relief of corps will be frequent, and the position may be often changed.

Extract from Deputy Adjutant General's letter, dated 24th April, 1806.

Buildings devoted to religious uses.

On no account will His Lordship sanction the occupation as a dwelling-house of any mosque, temple or other building of a religious description without the most positive assurance on the part of the natives and parties concerned that such an act will in no way be objectionable to them or in the smallest degree offensive to their religious habits or feelings. Carroll's Code, Chapter XI, section 100; Jephson's Code, Part I, 1839, page 229.

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General Order by the Governor General in Council, dated 28th September, 1807.

Carroll's Code, Chapter XI, section 107.

Sale of buildings at valuation fixed by Committee of Arbitration.

Ordered, that on occasions of the disposal of premises and dwellings which have been occupied by staff officers within the limits of any military cantonments, so situated as to render them in a peculiar manner adapted for the residence or due discharge of the official duties of officers succeeding to such staff situations, the vendor of such premises and dwellings shall be bound to dispose of, and the successor to such appointment to purchase, them, at a fair valuation by a Committee of Arbitration constituted in the usual manner.

Ib., section 108.

Exclusion of expensive improvements from valuation.

It is at the same time notified as a regulation for future observance with a view to preclude expensive improvements or additions that may be made by the actual possessor from becoming burthensome in the purchase to his successor, that no additions or improvement to premises or dwellings of the description above adverted to shall be included in the valuation of the property on its transfer, except such as have been previously sanctioned by the Military Board.

Ib., section 109.

The Governor General in Council considers the present to be a proper occasion to call the attention of Officers Commanding stations to the subjoined orders of the Governor General in Council published in April, 1801, which they are expected to see duly carried into effect, *viz.*—

Ib., section 110.

Houses not to be sold to, or occupied by, civilians.

That no bungalows or quarters at any of the cantonments shall be allowed to be sold to, or occupied by, any person who does not belong to the army.

Ib., section 111.

If individuals, not officers, shall purchase, they must remove the materials, as the ground within the limits of cantonments is to be kept and appropriated exclusively to the use of the troops.

Ib., section 112.

On relief, houses to be sold or let to military officers.

Houses not to made over to civilians.

Officers on quitting the station are to sell or rent their quarters to the officers who may relieve them at a moderate rate, and, in the event of the death or resignation of any officer, his quarters are to be sold or rented under the instructions of the Commanding Officer of the station, and in no case to be made over in any shape to any person not belonging to the army.

Resolution of the Military Board, dated 29th March, 1808.

Jephson's Code, Part I, 1839, page 29.

Houses reserved for military officers.

The Regulations impose no restriction whatever in respect to the sale or renting of the quarters, which are private property, beyond that of their being reserved for the officers and the staff of the army; and Lieutenant-Colonel—— can have no preference of claim from his rank to the occupation of quarters either the property of, or rented by, any other officer at the cantonments (*Berhampore*).

Extract from Proceedings of the Vice-President in Council, dated 22nd August, 1809.

Carroll's Code, Chapter XI, section 15.

Dinapore: boundaries.

The Vice-President in Council is pleased to resolve the small slip of land between the Ganges and the Cantonment at Dinapore, which has been formed chiefly by the sand deposited by the river during the rains, shall be considered within the limits of the cantonment.

General Order by the Commander-in-Chief, dated 31st July, 1811.

Carroll's Code, Chapter XI, section 102; Jephson's Code, Part I, 1839, page 232.

Boundaries of cantonments.

Government having approved and confirmed the local limits assigned to the under-mentioned cantonments and garrisons by the joint reports transmitted to head-quarters by the civil and military authorities at those places, respectively, Commanding Officers in the stations referred to are directed to cause pillars of masonry of a suitable construction to be immediately erected at appropriate distances for the purpose of permanently distinguishing the boundaries of those cantonments and garrisons, as described in the reports transmitted to head-

quarters, and now confirmed by Government in all situations when these or other sufficient means have not been adopted for that purpose.

Jephson's Code, Part I, 1839, page 232.

Agra.	Hansi.
Banda.	Hazareebagh.
Berhampore.	Keitah (*abandoned*).
Bhagulpore.	Kurnal.
Chittagong.	Koonch (*abandoned*).
Cuttack.	Moradabad,
Dinapore.	Muttra.
Futtehpore.	Nomihla, Agra.
Goorgaon (*abandoned*).	Terrowa (*abandoned*).

NOTE.—*The following stations have been added to the above list, under the authority of General Orders, 3rd and 30th August, 1811, 25th September, 1812, and 6th November, 1813*:

Jephson's Code, Part I, 1839, page 232.

Allahabad.	Goruckpore.
Benares (*Secrole*).	Kissengunge (*abandoned*).
Balasore (*abandoned*).	Meerut.
Bareilly.	Midnapore.
Cawnpore.	Mynpoorie.
Dacca.	Rewaree (*abandoned*).
Etawah.	Tarra, Mirzapore.
Ghazipore.	

The following stations are also included in the lists in Henley's and Carroll's Codes, but have never been announced in General Orders:* *Ib.*

Adjyghur (*abandoned*).	Lucknow.
Allyghur.	Pertabghur (*abandoned*).
Barrackpore.	Saharanpore („)
Chunar.	Secrora („)
Delhi.	Seetapore.
Dum-Dum.	Sultanpore, Oudh.
Loodiana.	Sultanpore, Benares.

In addition to the above, the following garrisons, stations or outposts were occupied by troops of the Bengal Presidency on the 1st September, 1835; escorts with Residents, etc., at Native Courts not included:

Jephson's Code, Part I, 1839, page 233.

Ajmere.	Dorunda.	Mhow.
Akyab.	Fort William.	Midnapore.
Allypore.	Gowhatty.	Mundlaisir.
Almorah.	Gurrawarra.	Neemuch.
Azimghur.	Hissar.	Nusseerabad.
Boitool.	Hummeerpore.	Petaragurh.
Ballygunge.	Hussingabad.	Sandoway.
Bancoorah.	Huwalbaug.	Saugor.
Beawar.	Jaunpore.	Sehore.
Bishnauth.	Jubbulpore.	Seonee.
Bopawar.	Jumalpore.	Shahjehanpore.
Cheera Poonjee.	Khyouk Phyoo.	Subathoo.
Chinsurah.	Landour.	Umballa.
Deyra Dhoon.	Lahooghaut.	

* See Carroll's Code, Chapter XI, para. 81.

Resolution of the Military Board, dated 17th September, 1811.

Carroll's Code, Chapter XI, section 131; Jephson's Code, Part I, 1839, page 233.

Boundaries of cantonments.

The boundary pillars should be constructed at each angle of the limits or boundary line of the cantonment; they should be circular, three feet in diameter, and six feet high.

General Order by the Commander-in-Chief, dated 7th October, 1811.

Carroll's Code, Chapter XI, section 130; Jephson's Code, Part I, 1839, page 233.

Receipts for plans of cantonments on relief.

With the view to ensure the requisite attention to the care and preservation of the plans of cantonments, etc., now in course of preparation, the Commander-in-Chief directs Commanding Officers of stations and posts of the army will consider it an established rule, on being relieved from the duties of these stations, to obtain from the relieving officer receipts in duplicate for the plans above-mentioned, one of which is to be transmitted for record in the Adjutant General's office.

General Order by the Governor General in Council, dated 5th June, 1813.

Carroll's Code, Chapter XI, sections 148 and 149.

Composition of Committee of Arbitration.

The Governor General in Council is pleased to determine that on all future occasions in which the disposal of premises and dwellings, the property of individuals situated within the limits of cantonments, may be considered by the Commanding Officer or other competent authority to be necessary for the accommodation of officers or persons belonging to the army, the Committee of Arbitration, instead of being composed entirely of military officers as heretofore, shall consist of the Judge and Magistrate and Collector of the district, the Commanding Officer of the station or cantonment, and any other military officer whom the Commanding Officer may select to be associated with him in the Committee.

The Committee thus constituted are to proceed to value the premises, making regular minutes and recording their proceedings, which are to be lodged in the office of Brigade Major or Senior Staff Officer at the station, as the case may be. In instances in which the proprietor may not be satisfied with the rate of valuation fixed by the Committee of Arbitration, they are required to submit the case, accompanied with their proceedings, through the proper channel for the final orders of Government.

Appeal.

Such parts of the Regulations of the 28th September, 1807, as are not affected by the foregoing orders are to continue in full force.

General Order by the Governor General in Council, No. 245, dated 19th August, 1824.

Jephson's Code, Part I, 1839, page 233.

Cultivation.

It having come to the knowledge of Government that cantonment ground intended for the exercise of the troops has, in some instances, been brought into cultivation by the officers in charge thereof, the Governor General in Council notifies to the army that such practices are most strictly forbidden under any circumstances or pretence whatever, and that Commanding Officers of stations will be held personally responsible to Government that these orders are rigidly enforced.

General Order by the Governor General in Council, No. 105, dated 5th April, 1825.

Jephson's Code, Part I, 1839, page 234.

Local extent of orders.
Application of orders to British cantonments in foreign territory.

In order to remove any misapprehension which may exist, the Right Hon'ble the Governor General in Council is pleased to notify that all orders now in force prohibiting the levy of taxes or impositions, or the letting of cantonment lands, have operation in all situations wherever British troops are or may be stationed, whether in camp or cantonments, within or beyond the British frontiers.

Military Board's Circular, dated 11th June, 1833.

Jephson's Code, Part I, 1839, page 233.

Transfer of surplus land to civil authorities.

Under orders of Government dated the 24th December last, I am directed by the Military Board to request you will convene a committee of the Commanding Officer and Collector of the district to ascertain and report the extent and appropriation of all lands within the present limits of military cantonments within your division in order

that all surplus cantonment land may be made over without delay to the local civil revenue authorities.

NOTE.—*In consequence of the reports received from these Committees, surveys were ordered for the purpose of fixing new limits.* Jephson's Code, Part I, 1839, page 233.

General Order by the Commander-in-Chief, dated 16th September, 1833.

Register of houses.

The Commander-in-Chief is pleased to direct that a register shall be kept in the office of the principal Staff Officer at the stations of Dum Dum, Barrackpore, Dinapore, Benares, Cawnpore, Agra, Meerut and Kurnaul of the sale or transfer of any houses, bungalows or gardens within the limits of these cantonments; and, in order that these registers may be as complete as possible, the present proprietors of houses, etc., will send to the different Staff Officers a memorandum stating when they purchased or became proprietors of them, from whom they obtained them, and the dimensions of their different compounds. Jephson's Code, Part I, 1839, page 189.

In future, when any house or piece of ground within the cantonments above-mentioned may be sold or transferred, the person who makes the transfer will report the circumstances for the Officer's Commanding information and for entry in the register.

General Order by the Governor General in Council, No. 59, dated 5th March, 1835.

Questions as to resumption and appropriation of land to be referred to Government.

All future questions respecting the resumption and appropriation of cantonment lands shall be referred, through the Department of the Quarter Master General of the Army for the information of His Excellency the Commander-in-Chief and for the final decision of Government. Jephson's Code, Part I, 1839, page 233.

Alteration of boundaries of cantonments, sites or bazars.

His Lordship in Council also deems it expedient to direct that no deviation from the limits about to be fixed to cantonments by the surveys in progress of execution, nor alteration in the extent of inclosures surrounding bungalows, bazars, lines and roads within them be permitted without the previous sanction of Government obtained through the channel of the Quarter Master General's Department.

Letter from the Quarter Master General to Officers Commanding Divisions, etc., dated 24th March, 1835.

Occupation of land for purposes unconnected with troops prohibited.

I have been instructed by the Provincial Commander-in-Chief to call your attention to the General Order No. 59 of the 5th instant on the subject of the resumption and appropriation of cantonment lands, and to state that the occupation of land within the boundary pillars for purposes unconnected with the troops and public establishments has, in some recent instances, been brought to the notice of Government, a practice which is directly at variance with the repeated orders issued to this army. Jephson's Code, Part I, 1839, page 233.

Alteration of boundaries of sites or bazars.

No alteration in the extent of ground allotted for bungalows, bazars, lines and roads to be permitted without the previous sanction of Government obtained through this department.

Cultivation.

Officers Commanding divisions, field forces and frontiers will be held responsible that no cultivation of any description is permitted within the limits of any cantonment under their authority, and, in any instance where cantonment ground may be so occupied, it is immediately to be put a stop to.

General Order by the Governor General in Council, No. 179, dated 12th September, 1836.

Occupation of land and disposal of premises and buildings.

Pros. G. G., 25th June, 1801.
G. O. G. G., 28th September, 1807.
G. O. G. G., 5th June, 1813.

The Governor General of India in Council is pleased to rescind the various orders now in force in this Presidency in regard of the occupation of ground and the disposal of premises or buildings, situated within the limits of military cantonments, and to substitute for them the following regulation, which is to have effect from the date of its promulgation at the different stations of the Bengal Army :— Jephson's Code, Part I, 1839, page 229.

Application for land.

1. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes, such ground being within the limits of a military cantonment, are, in the first instance, to be made to the Commanding Officer of the station through

the usual channel; and in no case are the boundaries of compounds to be changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

Alteration of boundaries of sites and closing or opening of roads.

Certificate by Commanding Officer.

2. As the health and comfort of the troops are paramount considerations, to which all others must give way, the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the cantonment; and, in forwarding any application for a grant, he must certify that it is not objectionable in those or any other respects.

Orders of Government required.

3. When no objection occurs, the application is to be forwarded, through the prescribed channel, by the Commanding Officer of the station, to the Quarter Master General of the Army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

Form of application.

4. All such applications are to be in the annexed form marked A.

Grants to be registered and noted on plan.

5. All grants are to be registered by the officer of the Quarter Master General's Department attached to the division, and, at stations where no such officer may be present, by the executive officer of public works, to whom also, in such cases, applications for ground are to be addressed; and all grants are to be immediately noted upon the plan of the cantonment in the Quarter Master General's office.

Conditions of occupancy.

6. No ground will be granted except on the following conditions, which are to be subscribed by every grantee, as well as by those to whom his grant may subsequently be transferred:—

Resumption of land.

1st.—The Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of houses between military officers.

2nd.—The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer to another without restriction, except in the case of reliefs, when, if required, the terms of sale or transfer are to be adjusted by a Committee of Arbitration.

Arbitration in case of transfer on relief.
Transfer of house to civilian.

3rd.—If the ground has been built upon, the buildings are not to be disposed of to any person, of whatever description, who does not belong to the army, until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer to native.

4th.—When it is proposed, with the consent of the General Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transferred exceed Rs. 5,000, the sale must not be effected until the sanction of Government shall have been obtained through His Excellency the Commander-in-Chief.

Houses claimable for purchase or hire at option of owner.

7. All houses in a military cantonment, being the property of persons not belonging to the army, which may be deemed by the Commanding Officer of the station suitable, from their locality, for the accommodation of officers, shall be claimable for purchase or for hire at the option of the owner; in the former case at a valuation, and in the latter at a rent, to be fixed, in case of the parties disagreeing, by a Committee of Arbitration constituted as follows.

Committee of Arbitration.

Composition of Committee of Arbitration.

8. The Committee is to be composed of one civil officer, the principal one, if practicable, at or in the vicinity of the station, the Commanding Officer of the cantonment, and an officer belonging to the station to be named by the proprietor of the premises: and their decision, whether relating to the terms of purchase or rent, is to be conclusive, unless it shall be reversed by Government, for whose orders the proceedings of the Committee are to be submitted, through His Excellency the Commander-in-Chief, whenever the proprietor of the premises which they have valued is dissatisfied with their award.

Appeal.

Arbitration in case of transfer as on relief.

9. When the houses of the officers of one corps are to be transferred to those of another, as on the occasion of a relief, if a difference of opinion should arise as to the fair terms of the transfer, the price shall be fixed by a Committee of Arbitration constituted as in the last paragraph, but to which, in such cases, there is to be given an additional member to be named by the intending purchaser.

No appeal.

10. In this case there is to be no appeal, and the decision of the Committee of Arbitration is to be final.

FORM A.

Form.

To the Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will apply for permission for me to occupy the ground herein described, etc.

Situation of ground.	*Quantity.*	*Bounds.*	*How to be occupied.*	*Remarks.*
				I have been made acquainted with the terms on which permission to occupy has been given to me. (Sd.) A. B.

General Order by the Governor General in Council, No. 74, dated 10th April, 1837.

Composition of Committee of Arbitration.

Jephson's Code, Part I, 1839, page 230.

With reference to the 8th clause of General Order No. 179 of the 12th September, 1836, the Governor General of India in Council directs that, when the Commanding Officer of the station is an interested party, the next senior officer shall be nominated one of the Committee of Arbitration in his stead.

General Order by the Governor General in Council, No. 154, dated 14th July, 1840.

Instances having recently occurred in which the agents for proprietors of bungalows situated within the limits of military cantonments have omitted to nominate a member of the Committee of Arbitration held upon such bungalows, under the provisions of the seventh and eighth clauses of the regulation No. 179, dated 12th September, 1836, and such omission having conduced to inconvenient results, for which the regulation cited provides no remedy, the Right Honourable the Governor General of India in Council is pleased to establish the following rule as an addition to the eighth clause of the regulation:—

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

"Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a committee thereupon; and, should any such proprietor or his agent neglect to nominate a member of such committee after having received due notice, which, in all cases where the proprietor or his agent shall not be resident within the cantonment or in its vicinity, shall be taken to mean an official notification dated fourteen days before the day on which the committee is to assemble, it will be the duty of the Commanding Officer to nominate a member of the committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration."

General Order by the Governor General in Council, No. 174, dated 5th August, 1840.

Notice of intention to convene Committee of Arbitration.

The Right Honourable the Governor General of India in Council is pleased to determine that the period which shall be held to be "due notice" to proprietors of premises or their agents, not residing within or in the vicinity of a military cantonment, of the intention to hold a Committee of

Arbitration on such premises, under the regulation No. 179, dated 12th September, 1836, shall be one month, and not fourteen days as laid down in General Orders No. 154 of the 15th ultimo.

Order books to be corrected accordingly.

General Order by the Commander-in-Chief, dated 20th January, 1853.

Sanction required to grant of land.

Registration of grants.

The Commander-in-Chief desires to call the attention of all Officers Commanding stations within this Presidency to the General Order by the Governor General, dated 12th September, 1836, on the subject of the disposal of buildings and ground situated within military cantonments. His Excellency directs that no buildings or ground may be allotted for private purposes without authority previously obtained in the prescribed manner, and all such grants are to be duly registered.

General Order by the President in Council, No. 700, dated 3rd July, 1855.

At the recommendation of His Excellency the Commander-in-Chief, the Honourable the President of the Council of India in Council is pleased to substitute the following for paragraph 7 of Government General Order No. 179 of the 12th September, 1836:—

Houses claimable for purchase or hire at option of owner.

Committee of Arbitration.

All houses in a military cantonment, not being occupied by a person belonging to the army on duty at the station, or whose residence therein may be authorized by Government, which may be deemed by the Commanding Officer of the station suitable from their locality for the accommodation of officers, shall be claimable, for purchase or for hire, at the option of the owner; in the former case at a valuation, and in the latter at a rent, to be fixed, in case of the parties disagreeing, by a Committee of Arbitration constituted as follows.

General Regulations of the Bengal Army, 1855.

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SECTION XI.

CANTONMENTS, QUARTERS, ETC.

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Page 55. Boundaries of cantonments.

2. The limits of all cantonments are to be defined by pillars of masonry erected at each angle of the boundary line.

Boundaries of bazars and villages.

Removal of buildings erected beyond boundaries.

The boundaries of sudder and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries or assigned limits are to be thrown down, and the ruins removed, at the expense of the proprietor.

Page 55. Cultivation, etc.

3. Commanding Officers of stations are held responsible that no cultivation is permitted within the limits of a cantonment nor ground occupied for any purpose which is likely prove injurious to the health or comfort of the troops. They are also responsible that no putrescent matter be allowed to remain in the vicinity of the barracks and lines, and that the duties of conservancy generally are not neglected.

Page 55. Alteration of boundaries of cantonments, sites or bazars.

4. No deviation from the fixed limits of a cantonment, nor alteration in the extent of the compounds, bazars, lines or roads within them, is permitted without the sanction of the Officer Commanding under authority from head-quarters, to be applied for through the Quarter Master General's Department.

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Page 56. Buildings devoted to religious uses.

8. Mosques, temples or other buildings of a religious description, which may be within the boundaries of a cantonment, are not to be occupied as dwelling-houses without the most positive assurance that the religious habits or feelings of the natives are not likely to be in any way offended thereby.

* * * * *

10. All applications for unoccupied ground, within the limits of a cantonment, for the purpose of being enclosed, built upon, or in any way appropriated to private purposes, are invariably to be accompanied by a rough plan of the site designated, including a portion of the cantonment adjacent to it, exhibiting the public buildings, roads or private estates by which it is bounded. Page 56.

Plan of site to accompany application for land.

They are to be forwarded through the officer in charge of the cantonment register, who in transmitting them to the Officer Commanding the station will record his opinion upon them and state any objection that may occur to him regarding the proposed appropriation of land.

Statement by officer in charge of cantonment register.

11. When no objection occurs, the application is to be forwarded through the regular channel, to the Quarter Master General of the army, for submission to the Commander-in-Chief. Page 57.

Submission of application.

Form. All applications are to be in the following form:—

To—The Assistant Quarter Master General (or other Staff Officer, as the case may be).

SIR,—I request you will apply for permission for me to occupy the ground herein described.

I have, etc.

(Signed)—

Site of ground.	Quantity.	Bounds.	How to be occupied.	REMARKS.
				I have been made acquainted with the terms on which permission to occupy has been given me. (Signed)—— ——

12. All such grants are to be duly registered, and Government retains the power of resuming any grant of ground on giving one month's notice and paying the value of such buildings as may have been authorized to be erected. Page 57.

Registration of grants.
Resumption of land.

13. At stations where an officer of the Quarter Master General's Department is serving, such officer will keep the cantonment register; but, where there may be no officer of the Quarter Master General's Department present, the duty will be performed by the Cantonment Joint Magistrate, where one is allowed, or otherwise by the Staff Officer of the station.* Page 57.

What officer to keep register.

14. The ground of an estate cannot be sold by the grantee, but houses or other property thereon may be transferred by one military or medical officer to another without restriction, except at the period of a relief, when, if required, the terms of sale or rent are to be adjusted by a Committee of Arbitration. Page 57.

Land cannot be sold by grantee.
Transfer of houses between military officers.
Arbitration in case of transfer on relief.

The transfer thereof to any person not belonging to the army can be effected with the consent of the Officer Commanding the station, unless the property exceeds the value of Rs. 5,000 and the purchaser is a native, in which case the sanction of Government must be previously obtained through the regular channel.

Transfer of house to civilian.
Transfer to native.

15. All houses in a cantonment, being the property of non-residents, or persons not belonging to the army, and which may be deemed by the Commanding Officer of the station suitable for the accommodation of officers, are claimable for purchase or hire, at the option of the owner; in the former case, at valuation, and in the latter, at a rent, to be fixed, in the event of any disagreement, by a Committee of Arbitration, whose decision is to be Page 58.

Houses claimable for purchase or hire at option of owner.

Committee of Arbitration.

* By G. O. C. C., dated 21st January, 1864, paragraph 13 was altered as follows:—
"The cantonment register will be kept by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station."

Appeal. conclusive, unless reversed by Government for whose orders the proceedings are to be submitted, through the regular channel whenever the proprietor of the premises is dissatisfied with the award.

Page 58. Composition of Committee of Arbitration. 16. Committees of Arbitration are to be composed of one civil officer, the principal one, if practicable, at or in the vicinity of the station, the Commanding Officer of the cantonment, and an officer belonging to the station, to be named by the proprietor of the premises. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Page 58. Reference to Committee of Arbitration in case of transfer on relief. No appeal. 17. If the transfer be from one officer to another on the occasion of a relief, and a difference arise as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending purchaser. In such cases there is no appeal from the decision of the Committee, which is to be final.

Page 58. Notice of intention to convene Committee of Arbitration. Nomination of member to represent owner. 18. Due notice shall in every instance be given to proprietors of premises or their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice,—which, if a non-resident in the cantonment or its vicinity, shall be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble,—it will be the duty of the Commanding Officer to nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

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Code Regulations for the Public Works Department, 1858.

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CHAPTER V.—MILITARY STATIONS.

Section 1.—Cantonment Lands and Boundaries.

Page 57. Officer to perform duties connected with lands and boundaries. 1. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or Station Staff Officer, assisted, if necessary, by the Executive Engineer or his subordinate.

Page 57. Reference to higher authority. 2. Questions requiring the decision of higher authority should be referred by the Officer Commanding the station, through the regular channel, to the Quarter Master General of the Army.

Page 57. Boundaries. 3. The following clauses of Regulation XX of 1810 should be strictly attended to :—

Page 57. V.—On receipt of this Regulation, the limits of the cantonments and garrisons, including the military bazars attached thereto, at which any division or corps of the army, or any considerable detachment, not being less than half a battalion, may be quartered, shall be marked out in all cases in which it has not already been done under Regulation III, 1809, by the Commanding Officer, in concert with the Magistrate [now Collector].

The Commanding Officer at each of those stations, from which a report of the nature hereafter described has not been already furnished under Section IV, Regulation III, 1809, will accordingly submit to Government, through the Commander-in-Chief, without delay, a report framed in concert with the Magistrate [now Collector] of the district in which the cantonment or garrison may be situated upon the local limits of the cantonment or garrison, forwarding at the same time any separate remarks which the Magistrate [now Collector] may wish to make on the subject for the final orders of Government.

Plans. As soon as the limits of the cantonments and garrison shall be approved and confirmed by Government on the report of the Magistrate [now Collector] and Commanding Officer above required, plans shall be prepared of the limits of the cantonments and garrisons, including the military bazars attached thereto.

VI.—The plan shall be prepared in quadruplicate, and signed by the Commanding Officer and the Magistrate [now Collector] of the district; one copy shall be deposited at the head-quarters of the station, another at the cutcherry of the Magistrate [Collector], and the other two shall be transmitted to the Commander-in-Chief, by whom one copy will be forwarded to Government. Page 58.

Plans.

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4. The boundaries of cantonments, when confirmed by Government, should be marked by pillars, which are to be supplied whenever they have been destroyed or are not forthcoming. Any existing village within the limits of a cantonment should also have its boundary marked by pillars, beyond which it should not be permitted to encroach. Page 59.

Boundaries.

Boundaries of villages.

Size of officers' compounds.

5. The ground allowed for the compounds of officers of all branches of the army is as follows :

Field officers	$83\frac{1}{3} \times 50$ yards.
Captains	$60\frac{1}{3} \times 50$ "
Subalterns	50×50 "

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Boundaries of bazars.

9. The boundaries of all bazars, both sudder and regimental, should be marked by pillars. Page 59.

10. The quarterly Bazar Committees will report in their proceedings whenever the limits so marked out have been exceeded, and the Officer Commanding the station will direct all houses, walls or enclosures so improperly built or pushed beyond the authorized boundaries of the bazar to be thrown down, and the ruins and fences to be removed at the expense of the persons by whom they were erected. This applies also to houses which may have been built beyond the limits of villages included in a cantonment (see para. 4). Page 60.

Removal of buildings erected beyond boundaries.

11. No deviation from the limits fixed for cantonments, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government obtained through the regular channel (para. 2). Page 60.

Alteration of boundaries.

Cultivation.

12. The cultivation of unoccupied cantonment lands is not permitted without the special sanction of Government. Page 60.

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When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities. Page 60.

Transfer of surplus land to civil authorities.

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Section 2.—Grants of Land and Private Buildings.

1. In no case is any cantonment land to be enclosed or occupied without the sanction of the Commander-in-Chief; nor are the boundaries or compounds to be changed, old roads closed or new ones opened without similar authority. Page 62.

Sanction required to occupation of land.

2. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes are to be forwarded for transmission to the Officer Commanding the station through the officer of the Quarter Master General's Department, or, in his absence, through the Cantonment Magistrate or Station Staff Officer. Page 62.

Submission of application for land.

3. The health and comfort of the troops are paramount considerations, to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way Page 62.

Certificate by Commanding Officer.

calculated to be injurious to either, or to the appearance of the cantonment. In forwarding (*vide* Section 1, paragraph 2) any application for a grant, he must certify that it is not objectionable in these or any other respects.

Page 62.

Form of application for land.

4. All such applications shall be in Form No. 6, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded.

Plan of site.

Certificate by local officer of Quarter Master General's Department or Executive Engineer.

This plan is in practicable cases to be authenticated by the officer of the Quarter Master General's Department, or, when no such officer is present, by the Executive Engineer of the Division in which the cantonment may be situated.

Page 62.

Grants to be registered and noted on plan.

5. All grants are to be registered (Form No. 5)* by the officer of the Quarter Master General's Department, or, at stations where no such officer may be present, by the Cantonment Magistrate or Station Staff Officer; and all grants are immediately to be noted upon the plan of the cantonment in the Quarter Master General's office.

Page 63.

Conditions of occupancy.

6. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee, as well as by those to whom his grant may subsequently be transferred:—

Resumption of land.

I.—Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Committee of Arbitration.

II.—The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer to another without restriction, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Transfer of house to civilian.

III.—If the ground has been built upon, the buildings are not to be disposed of to any person, of whatever description, who does not belong to the army, until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer to native.

IV.—When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transferred exceed 5,000 rupees, the sale must not be effected until the sanction of Government shall have been obtained through His Excellency the Commander-in-Chief.

Drains.

V.—When paths or roads specially leading to any private estate shall cross any line of drainage, proper drains, on designs approved by the Executive Engineer, shall be provided by the person in possession of the estate, on the requisition of the Commanding Officer, either at the time of the original grant or at any subsequent time.

Cancellation of grant within twelve months.

VI.—The Commanding Officer shall have power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Sanitation.

VII.—No enclosure walls shall be built, or hedges allowed to grow, to a greater height than six feet, and the Commanding Officer shall have power to prevent any buildings being erected or excavations made which he shall deem objectionable

* *Infra*, page 16

in a sanitary point of view or otherwise. He shall also have power to order the removal of any dangerous or unsightly ruins.

Excavations.

VIII.—The grantee shall engage to fill up with fresh earth all excavations made in building within six months of their being dug, or within such time as may be determined by the Commanding Officer.

Houses claimable for purchase or hire at option of owner.

7. All houses in a military cantonment, being the property of persons not belonging to the force on duty at the station, or of persons whose residence therein may not have been specially authorised by Government, which may be deemed by the Commanding Officer of the station suitable from their locality for the accommodation of officers belonging to the force posted at the station shall be claimable, for purchase or for hire, at the option of the owner; in the former case at a valuation, and in the latter at a rent, to be fixed, in case of the parties disagreeing, by a Committee of Arbitration constituted as follows. Page 64.

Committee of Arbitration.

Composition of Committee of Arbitration.

8. The Committee is to be composed of one Civil Officer (the principal one, if practicable, at or near the station), the Commanding Officer of the cantonment (unless he is an interested party, when the next senior is to be appointed), and an officer belonging to the station, to be named by the proprietor of the premises; and their decision, whether relating to the terms of purchase or rent, is to be conclusive, unless it shall be reversed by Government, for whose orders the proceedings of the Committee are to be submitted, through His Excellency the Commander-in-Chief, whenever the proprietor of the premises which they may have valued is dissatisfied with their award. Page 64.

Appeal.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereupon; and should any such proprietor or his agent neglect to nominate a member of such Committee after having received due notice (which, in all cases when the proprietor or his agent shall not be resident within the cantonment or in its vicinity, shall be taken to mean an official notification dated one month before the day on which the Committee is to assemble), it will be the duty of the Commanding Officer to nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

Reference to Committee of Arbitration in case of transfer as on relief.

9. When the houses of the officers of one corps are to be transferred to the officers of another as on the occasion of a relief, if a difference of opinion should arise as to the fair terms of the transfer, the price shall be fixed by a Committee of Arbitration, constituted as in the last paragraph, but with the addition of a fourth member to be named by the intending purchaser. Page 65.

No appeal.

10. In this case there is to be no appeal, and the decision of the Committee of Arbitration will be final. Page 65.

* * * * * * * *

FORM No. 5.

————— DEPARTMENT.

REGISTER of buildings within the Cantonments of —————

(Station ————— *Date* —————*.)*

Houses, Bazars, etc.	Quantity of land, etc., attached to each.	Proprietors of Houses, etc.
Houses.		
No. 1	5½ Beeghas (of square yards)	Captain A. B. in 1834; sold to Lieutenant C. D. in ——— ———; let to Colonel E. F. in ——— ———.
" 2	3 " "	Mr. G. H., Merchant, in 1834; sold to Babu B. V. in
" 3	2½ " "	
" 4	6 " "	
Bazars.		
I. Sudder	25 Beeghas (of square yards)	Limits as fixed in ——— ——— noted by dotted lines ——— ——— Increase sanctioned is coloured ——— ———.
II. Artillery	10 " "	Dark Green. ——— ——— further increase sanctioned is coloured light green.
III. Cavalry	15 " "	Ditto ditto.
IV. Infantry	12 " "	Ditto ditto.
Places of Worship.		
A. Mosque	1 Beegha (of square yards)	
B. Eedgah	¼ " "	
C. Hindoo Temple	¾ " "	
D. Ditto	½ " "	
Gardens.		
A.	2 Beeghas (of square yards)	Belongs to ——— ———

(Signed) A. B.

Executive Engineer.

N.B.—The whole of the houses or bungalows within the cantonment to be numbered in the plan, and the register to show the quantity of land attached and the name of the proprietor. Each village, bazar, temple, etc., to be marked by distinct figure or letter on the plan, and the register to show the quantity of land allotted to each respectively, as per above Form.

FORM NO. 6.

To

The Assistant Quarter Master General (or other Staff Officer at the Station).

SIR,

I request you will apply for permission for me to occupy the ground herein described, etc., etc., etc.

(Station——— Date———)

Station of ground.	Quantity.	Bounds.	How intended to be occupied.	REMARKS.
				I have been made acquainted with the terms on which permission to occupy has been given to me.

(Sd.) A. B.

Rank.—Corps or Department.

5 *i*

General Order by the Governor General in Council, No. 684, dated 7th July, 1862.

It having been brought to the notice of Government that instances still occur of owners of houses, etc., in military cantonments either refusing or failing to keep the buildings in such a state of repair as to render them suitable for the purposes of which their erection was permitted, although the power retained by Government of resuming the ground on which they stand has been more than once exercised, the Right Honourable the Governor General in Council deems it necessary to notify for general information that authority will be given for the resumption of the land on which the buildings so neglected are situated, whenever it shall appear that the owners or their agents have failed, although duly warned, to cause the necessary repairs to be executed, and that inconvenience has thereby been caused to the inhabitants of the station.

Resumption of land on failure to repair.

The value of the buildings as they stand shall in such cases be paid to the owners, such value being determined by a Committee of Arbitration composed and convened as laid down in Government General Orders No. 179, dated 12th September, 1836, No. 74, dated 10th April, 1837, No. 154, dated 15th July, 1840, and No. 174, dated 5th August, 1840. The owner or agent shall, however, have the option of removing the materials within one fortnight from the date of the Committee's report.

Committee of Arbitration.

* * * * * * * *

General Order by the Governor General in Council, No. 1001, dated 8th December, 1864.

It having been brought to the notice of Government that in some cases owners of houses in military cantonments have made use of the right to sell or rent their houses at their option, which is secured to them by General Orders, so as to evade the plain intention of Government in issuing those orders,—*e.g.*, by electing to sell when military officers have claimed the houses, in order to force them to waive their claims, and then renting the houses at whatever rent they could obtain, to persons not belonging to the cantonment,—the Right Honourable the Governor General in Council is pleased to direct the substitution of the following for paragraph 7 of Government General Order No. 179, dated 12th September, 1836, as amended by Government General Order No. 700, dated 3rd July, 1855.

"7. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person in the service of Government directed or authorized by Government to reside therein, may be required to rent the same to any military officer belonging to the station who may require it to reside in, if the Officer Commanding the station is satisfied that there is no other suitable house available with due regard to the rank of the claimant and to the duties he may have to perform.

Power to require owner to let house to military officer.

"In every such case, however, if the owner shall have formally intimated to the officer who has so obtained the house his desire to sell rather than let it, and the offer have not been accepted, the officer shall at any time be required to vacate it within a week of his receiving notice, through the Brigade Major or Station Staff Officer, that the house has been sold, with the consent of the Commanding Officer of the station, to another military officer on duty at the station who requires it for his own residence.

Vacation of house on sale to another military officer.

"The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, shall be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration constituted as follows."

Committee of Arbitration.

General Order by the Commander-in-Chief, No. 5, dated 10th January, 1868.

His Excellency the Commander-in-Chief, in publishing the following extract from a despatch, No. 122, dated 4th December, 1867, received, consequent on numerous instances of the appropriation of land in military cantonments in contravention of the regulations of the service, from the Secretary to the Government of India in the Military Department,

desires that Officers Commanding divisions and districts will enforce the orders of Government, impressing upon all officers concerned that any deviation from the same renders them personally liable for the consequences :—

Sanction required to grant of land.

" As this is not the first occasion on which embarrassment has been caused by the sanction of the Commander-in-Chief being anticipated, I am instructed to request that Commanding Officers may be strictly prohibited from allowing any one to occupy a site in a military cantonment under any circumstances whatever until His Excellency's approval shall have been officially received."

General Order by the Commander-in-Chief, No 268, dated 8th September, 1868.

The following extract from letter No. 168, dated 10th June, 1868, from the Secretary to the Government of India, Military Department, to the Madras Government, is published for information and guidance, with reference to Bengal Military Regulations, Section XI, paragraph 16 :—

Composition of Committee of Arbitration.

* * * in the opinion of the Government of India, the proprietor of a house may nominate any one he pleases as his representative on the Committee of Arbitration, and his nominee need not be either a military or covenanted civil officer.

Regulations and Orders for the Army of the Bengal Presidency, 1873.

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SECTION 18.—CANTONMENTS.

* * * * * * * *

I.—GENERAL RULES.

* * * * * * * *

Boundaries.

1948. The limits of all military cantonments are to be defined by pillars of masonry erected at each angle of the boundary line, and which are to be replaced whenever they have been destroyed or are not forthcoming. At miner stations, where less than half a regiment is quartered, the boundaries need not be marked out, nor are the cantonment regulations to be introduced. Page 333.

Boundaries of bazars and villages. Removal of buildings erected beyond boundaries.

1949. The boundaries of sudder, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries on assigned limits are to be thrown down and the ruins removed at the expense of the proprietor. Page 334.

Alteration of boundaries.

1950. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government to be applied for through the Quarter Master General's Department. Page 334.

Transfer of surplus land to civil authorities.

1951. When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities. Page 334.

* * * * * * * *

Officer to perform duties connected with lands and boundaries.

1962. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General (paragraph 2777). Page 335.

Rent or sale of private buildings.

Page 335. Military character of cantonments. Priority of claim of military men to houses.

1963. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops, and their families, for whom houses situated within such limits are by priority of right available.

Regimental officers to live near their lines.

Regimental officers are required ordinarily to live near the lines of their respective corps.

Page 335. Civilians permitted to reside in cantonments.

1964. Civil and political officers of Government* are permitted to reside within the limits of military cantonments whenever the public interests may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter or the necessity of ensuring their personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers or others on duty at the station to the houses within its boundaries.

Page 335. Compulsory transfer of tenants. Notice.

1965. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Should the notice (which should be personally served if possible) fail of effect, intimation of the same should be forwarded to the Local Government in order that the necessary steps may be taken in the matter.

Legal proceedings.

Precautions in requiring change of tenants.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are legally claimable and absolutely necessary for the accommodation of officers whose services are actually required in the station, and for whom shelter is not available within a fairly reasonable distance of their duty. In the case of civil and political officers, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Page 336. Power to require owner to let house to military officer.

1966. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person in the service of Government directed or authorised by Government to reside therein, may be required to rent the same to any military officer belonging to the station who may require it to reside in if the Officer Commanding the station is satisfied that there is no other suitable house available, with due regard to the rank of the claimant and to the duties he may have to perform.

Vacation of house on sale to another military officer.

In every such case, however, if the owner shall have formerly intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer shall not have been accepted, the officer shall at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has been sold, with the consent of the Commanding Officer of the station, to another military officer on duty at the station who requires it for his own residence.

Committee of Arbitration.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, shall be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration, to be assembled by order of the Officer Commanding the division or district after he has fully satisfied himself as to the necessity for the same, and that the application for the Committee is not opposed to the orders of Government.

Page 336. Owner to have option to let or sell.

1967. In all cases of dispute the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house; should he elect to rent the house, the Committee cannot compel him to sell it.

Page 336. Reduction of rent not claimable by tenants.

1968. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

* Officers serving under the Public Works Department were added by G. O. No. 62 of 1874.

1969. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable at or in the vicinity of the station), the Commanding Officer of the cantonment, and *any* other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead. Page 336.

Composition of Committee of Arbitration.

1970. When a house is transferred from one officer to another on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser. Page 337.

Reference to Committee of Arbitration in case of transfer on relief.

1971. In the case referred to in paragraph 1966 the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted, through the regular channel, whenever the proprietor of the premises is dissatisfied with the award: but in the case referred to in paragraph 1970 there is no appeal from the decision of the Committee, which is to be final. Page 337.

Appeal when to lie from decision of Committee of Arbitration.

1972. Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice, which, if the owner or agent be a non-resident in the cantonment or its vicinity, shall be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble, the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration. Page 337.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

*1972A. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return, under the provisions of paragraph 1966, should a suitable one not be at the time available for rent.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of His Excellency the Commander-in-Chief.

1973. In the event of the tenant of a house considering that the house requires repairs, and is unable to induce the owner to execute them, he should call on his landlord to join him in appointing a Committee of Arbitration to decide the question. Page 337.

Committee of Arbitration for repairs.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and the other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

Composition of Committee of Arbitration.

In either case the landlord should be informed that, unless within a named time he either commences† the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

Notice as to executing repairs at cost of owner.

* * * * * * * *

1975. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same, according to the rules of the Public Works Department, and recourse is only to be had to Committees of Arbitration in the event of any disagreement and on the application of the Executive Engineer or of the proprietor of the premises. Page 338.

Purchase of buildings for public purposes.

Committee of Arbitration.

* Paragraph 1972A was added by G. O. No. 216, dated 20th August, 1874.
† "Executes" was substituted for "commences" by G. O. No. 70 of 1876.

Page 338. Hiring of buildings for public purposes.

1976. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department, on the spot is *in all cases* to arrange for the hiring of such buildings and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding station are to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves, and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier, or more for the interests of Government, and also to submit the arrangements for sanction as if originally made by himself.

Page 338. Disputes to be reported.

1977. Officers Commanding stations are required, in cases of disputes relative to houses or lands in cantonments, before taking action thereon, to submit the same with their opinion for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself.

Page 338. Buildings devoted to religious uses.

1978. Mosques, temples or other buildings of a religious description, which may be within the boundaries of a cantonment, are not to be occupied as dwelling-houses without the most positive assurance that the religious habits or feelings of the natives are not likely to be in any way offended thereby.

II.—GRANTS OF LAND.

Page 338. Sanction required to occupation of land.

1979. In no case is any cantonment land to be enclosed or occupied without the sanction of the Commander-in-Chief; and Commanding Officers are strictly prohibited from allowing any one to occupy a site, *under any circumstances whatever*, until such sanction shall have been officially received; nor are the boundaries of compounds to be changed, old roads closed or new ones opened without similar authority.

Size of sites granted to officers.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary, conforming as far as practicable to the dimensions laid down in the Public Works Code.

Page 339. Submission of application for land.

1980. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station, or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be.

Page 339. Certificate by Commanding Officer.

1981. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the cantonment. In forwarding to the Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects.

Page 339. Form of application for land. Plan of site.

1982. All such applications shall be made according to Appendix No. 28, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and, where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown.

Certificate by local officer of Quarter Master General's Department or Executive Engineer.

This plan is to be authenticated by the officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division in which the cantonment may be situated. Such applications must also be accompanied by a certificate from the Executive Engineer of the division to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

1983. All grants are to be registered (Public Works Code, Section 2, Chapter IX) by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station ; and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office. Page 339.

Grants to be registered and noted on plan.

1984. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee, as well as by those to whom his grant may subsequently be transferred :— Page 339.

Conditions of occupancy.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorized to be erected.

Resumption of land.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Arbitration in case of transfer on relief.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer of house to civilian.

(*d*) When it is proposed, with the consent of the Commanding Officer of the station, to transfer possession to a native, the sale must not be effected until the sanction of the Local Government shall have been obtained.*

Transfer to native.

(*e*) The Commanding Officer shall have power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

* * * * * * * *

APPENDIX No. 28.

APPLICATION FOR A GRANT OF LAND.

SIR,

I request you will apply for permission for me to occupy the ground herein described.

Form.

I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments.

I have, etc.,

(Signed)————————

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.

* * * * * * * *

* By G. O. No. 282, dated 4th October, 1875, clause (*d*) was re-constructed in the form in which it appears in paragraph 42 of the Regulations of 1880 (*infra*, p. 29); and by G. O. No. 184 and No. 188, respectively, dated 11th July, 1876, the second and third sub-clause of clause (*d*) printed in that paragraph were introduced.

General Order No. 264, dated 24th September, 1874.

Form No. 28, Appendix, Bengal Army Regulations, is hereby cancelled, and the following substituted :—

APPENDIX No. 28.

APPLICATION FOR A GRANT OF LAND.

SIR,

Form. I request you will apply for permission for me to occupy the ground herein described.

I have, etc.,

(*Applicant's signature.*)

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.
				I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments.* (*Applicant's signature.*)

* By G. O. C. C. No. 135 of 1878, the following clause was added to this column :—
"I hereby further engage to build on the site applied for, and not to transfer it to any one else for this purpose."

Regulations and Orders for the Army of the Bengal Presidency, 1880.

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SECTION 17.—CANTONMENTS.

* * * * * * * *

I.—GENERAL RULES.

* * * * * * * *

Boundaries.

4. The limits of all military cantonments are to be defined by pillars of masonry erected at each angle of the boundary line, and which are to be replaced whenever they have been destroyed or are not forthcoming. Page 376.

Boundaries of bazars and villages. Removal of buildings erected beyond boundaries.

5. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all houses, walls or enclosures improperly built beyond the authorised boundaries are to be thrown down and the ruins and fences removed at the expense of the proprietor or persons by whom they were erected. Page 377.

Alteration of boundaries.

6. No deviation from the fixed limits of a cantonment is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department. No alteration of the limits of lines, bazars or compounds can be made without the authority of the Commander-in-Chief. Page 377.

Transfer of surplus land to civil authorities.

7. When from any cause any portion of land which has been taken up for military purposes is found to be no longer required for such, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities. Page 377.

* * * * * * * *

Officer to perform duties connected with lands and boundaries.

18. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General (pargraph 34, section 22). Page 378.

Rent or Sale of Private Buildings.

Military character of cantonments. Priority of claim of military men to houses.

19. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops, and the officers and subordinates of all departments connected with the housing and supplies of the troops, for whom houses situated within such limits are by priority of right available. Page 378.

Regimental officers to live near their lines.

Regimental officers are required ordinarily to live near the barracks or lines of their respective corps.

Civilians permitted to reside in cantonments.

20. Civil and political officers of Government, and officials belonging to the Public Works Department and railways, are permitted to reside within the limits of military cantonments whenever the public interest may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter, or the necessity of ensuring their personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers or others on duty at the station to the houses within its boundaries. Page 378.

Compulsory transfer of tenants. Notice.

21. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Page 379.

Should the notice (which should be personally served if possible) fail of effect, intimation of the same should be forwarded to the Local Government in order that the necessary steps may be taken in the matter.

Legal proceedings.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are legally claimable and absolutely necessary for the accommodation of officers whose services are actually acquired in the station, and for whom shelter is not available within a fairly reasonable distance of their duty.

Precautions in requiring change of tenants.

In the case of officials mentioned in paragraph 20, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Page 379. 22. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person directed or authorised by Government to reside therein (paragraph 20), may be required to rent the same to any military officer belonging to the station who may require it to reside in if the Officer Commanding the station is satisfied that there is no other suitable house available, with due regard to the rank of the claimant and to the duties he may have to perform.

Power to require owner to let house to military officer.

In every such case, however, if the owner may have formerly intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer has not been accepted, the officer may at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has, with the consent of the Commanding Officer of the station, been sold to another military officer on duty at the station who requires it for his own residence.

Vacation of house on sale to another military officer.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, is to be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration, to be assembled by order of the Officer Commanding the division or district after he has fully satisfied himself as to the necessity for the same and that the application for the Committee is not opposed to the orders of Government (paragraph 30).

Committee of Arbitration.

Page 379. 23. In all cases of dispute, the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house. Should he elect to rent the house, the Committee cannot compel him to sell it.

Owner to have option to let or sell.

Page 379. 24. Houses situated within the limits of military cantonments that may be declared to be for hire can only, according to these regulations and customs, be let by the month.

Monthly tenancy.

Page 380. 25. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

Reduction of rent not claimable by tenants.

Page 380. 26. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable, at or in the vicinity of the station), the Commanding Officer of the cantonment, and any other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Composition of Committee of Arbitration.

Page 380. 27. When a house is transferred from one officer to anther on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser.

Reference to Committee of Arbitration in case of transfer on relief.

Page 380. 28. In the case referred to in paragraph 22, the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted, through the regular channel, whenever the proprietor of the premises is dissatisfied with the award; but in the case referred to in paragraph 27 there is no appeal from the decision of the Committee, which is to be final.

Appeal when to lie from decision of Committee of Arbitration.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

29. Due notice must in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice—which, if the owner or agent be a non-resident in the cantonment or its vicinity, is to be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble—the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee will thereupon proceed to arbitration. Page 380.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

30. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return, under the provisions of paragraph 22, should a suitable one not be at the time available for rent. In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of the Commander-in-Chief. Page 380

Committee of Arbitration for repairs.

31. In the event of the tenant of a house considering that the house requires repairs, and of his being unable to induce the owner to execute them, he should call on his landlord to join with him in appointing a Committee of Arbitration to decide the question. Page 380.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and the other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

In either case the landlord should be informed that, unless within a named time he either executes the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

* * * * *

Purchase of buildings for public purposes.

Committee of Arbitration.

33. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same according to the rules of the Public Works Department; and recourse is only to be had to Committees of Arbitration in the event of any disagreement and on the application of the Executive Engineer or of the proprietor of the premises. Page 381.

Hiring of buildings for public purposes.

34. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department on the spot is in all cases to arrange for the hiring of such buildings, and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding stations are to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves and thus accept a grave pecuniary responsibility in the event of their action being disapproved of. Page 381.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier or more for the interests of Government, and also to submit the arrangements for sanction as if originally made by himself.

Disputes to be reported.

35. Officers Commanding stations are required, in cases of disputes relative to houses or lands in cantonments, before taking action thereon, to submit the same, with their opinion, for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself. Page 381.

Page 381.

Buildings devoted to religious uses.

36. On no account is any church, chapel, mosque, temple, tomb or other building devoted to religious use to be occupied as a dwelling-house or for any other purpose without the full and free consent of the persons interested in it and the sanction of the principal civil or political authority on the spot.

II.—GRANTS OF LAND.

Page 382.

Sanction required to occupation of land.

37. In no case is any cantonment land to be enclosed or occupied whithout the sanction of the Commander-in-Chief; and Commanding Officers are strictly prohibited from allowing any one to occupy a site, under any circumstances whatever, until such sanction has been officially received; nor are the boundaries of compounds to be changed, old roads closed, or new ones opened without similar authority.

Alteration of boundaries and closing or opening of roads.

Size of sites granted to officers.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary, conforming as far as practicable to the dimensions laid down in the Public Works Code.

Page 382.

Submission of application for land.

38. All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes, are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be.

Page 382.

Certificate by Commanding Officer.

39. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way caluclated to be injurious to either or to the appearance of the cantonment. In forwarding to the Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects.

Page 382.

Form of application for land.
Plan of site.

40. All such applications are to be made according to Appendix No. 24. and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and, where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown.

Certificate by local officer of Quarter Master General's Department and Executive Engineer.

This plan is to be authenticated by the officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division in which the cantonment may be situated.

Such applications must also be accompanied by a certificate from the Executive Engineer of the division to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

Page 382.

Grants to be registered and noted on plan.

41. All grants are to be registered (Public Works Code,* paragraph 162, page 201) by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station; and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Page 383.

Conditions of occupancy.

42. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee as well as by those to whom his grant may subsequently be transferred:—

Resumption of land.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Arbitration in case of transfer on relief.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required,

* Edition of 1878.

the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station has been previously obtained under his hand.

Transfer of house to civilian.

(*d*) *When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transferred exceed Rs. 5,000, the sale must not be effected until the sanction of Government has been obtained through the Commander-in-Chief.

Transfer to native.

This rule applies to officers in the service of Government only; but the sale or transfer of any house in cantonments must first receive the sanction of the military authorities.

All applications for permission to sell, to a native, cantonment house-property exceeding in value the above amount are to include the name and status of the proposed purchaser, and to be accompanied by a certificate from the civil officer of the district that there is no objection to the sale.

(*e*) The Commanding Officer has power to cancel the grant if the ground be not brought into use for the putpose specified within twelve months.

Cancellation of grant within twelve months.

* * * * *

APPENDIX No. 24.

Form.

APPLICATION FOR A GRANT OF LAND.

SIR,

I request you will apply for permission for me to occupy the ground herein described.

I have, etc.,

(*Applicant's signature.*)

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.
				I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments. And I further engage to build on the site applied for, and not to transfer it to any one else for this purpose. (*Applicant's signature.*)

* * * * *

* By G. O. No. 117, dated 10th July, 1882, the following was substituted for clause (*d*):—

"When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, the procedure prescribed in section 7, paragraph 38 (as revised by General Order No. 38 of 1882), is to be adhered to.

"This rule applies to officers and others in the service of Government only, but the sale or transfer of any house in cantonments must first receive the sanction of the local authorities."

Army Regulations, India, 1887.

Volume II, Part II.

Discipline.

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SECTION XVII.—CANTONMENTS.

I.—General Rules. II.—Grants of Land.

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I.—General Rules.

BENGAL AND BOMBAY.

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Page 470. Boundaries.

1921. The limits of all military cantonments are to be defined by pillars of masonry erected at each angle of the boundary line, and which are to be replaced whenever they have been destroyed or are not forthcoming.

Page 470. Boundaries of bazars and villages. Removal of buildings erected beyond boundaries.

1922. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all houses, walls or enclosures improperly built beyond the authorized boundaries are to be thrown down and the ruins and fences removed at the expense of the proprietor or persons by whom they were erected.

Page 470. Alteration of boundaries.

1923. No deviation from the fixed limits of a cantonment is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department. No alteration of the limits of lines, bazars or compounds* can be made without the authority of the Commander-in-Chief.

Page 470. Transfer of surplus land to civil authorities.

1924. In Bengal, when from any cause any portion of land which has been taken up for military purposes is found to be no longer required for such, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

* * * * * * * * *

Page 471. Officer to perform duties connected with lands and boundaries.

1935. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General (paragraph 2505, section XXII).

Rent or Sale of Private Buildings.

Page 471. Military character of cantonments.

1936. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops, and the officers and subordinates of all departments connected with the housing and supplies of the troops, for whom houses situated within such limits are by priority of right available.

Priority of claim of military men to houses.

Regimental officers to live near their lines.

Regimental officers are required ordinarily to live near the barracks or lines of their respective corps.

Page 471. Civilians permitted to reside in cantonments.

1937. Civil and political officers of Government and officials belonging to the Public Works Department and railways are permitted to reside within the limits of military cantonments whenever the public interest may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter or the necessity of ensuring their

* The words "or compound" were struck out by G. O. No. 51 of 1887.

personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers or others on duty at the station to the houses within its boundaries.

Officials of the Government Telegraph Department are also permitted to reside within the limits of military cantonments under the foregoing conditions when the main telegraph office lies within cantonment limits.*

Compulsory transfer of tenants. Notice.

1938. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Should the notice (which should be personally served, if possible) fail of effect, intimation of the same should be forwarded to the Local Government in order that the necessary steps may be taken in the matter. Page 472.

Legal proceedings.

Precautions in requiring change of tenants.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are legally claimable and absolutely necessary for the accommodation of officers whose services are actually required in the station and for whom shelter is not available within a fairly reasonable distance of their duty. In the case of officials mentioned in paragraph 1937, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Power to require owner to let house to military officer.

1939. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person directed or authorised by Government to reside therein (paragraph 1937), may be required to rent the same to any military officer belonging to the station who may require it to reside in, if the Officer Commanding the station is satisfied that there is no other suitable house available, with due regard to the rank of the claimant and to the duties he may have to perform. Page 472.

Vacation of house on sale to another military officer.

In every such case, however, if the owner may have formerly intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer has not been accepted, the officer may at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has, with the consent of the Commanding Officer of the station, been sold to another military officer on duty at the station who requires it for his own residence.

Committee of Arbitration.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, is to be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration to be assembled by order of the Officer Commanding the division or district after he has fully satisfied himself as to the necessity for the same, and that the application for the Committee is not opposed to the orders of Government (paragraph 1947).

Owner to have option to let or sell.

1940. In all cases of dispute the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house. Should he elect to rent the house, the Committee cannot compel him to sell it. Page 472.

Monthly tenancy.

1941. Houses situated within the limits of military cantonments that may be declared to be for hire can only, according to these regulations and customs, be let by the month. Page 473.

Reduction of rent not claimable by tenants.

1942. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point. Page 473.

Composition of Committee of Arbitration.

1943. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable, at or in the vicinity of the station), the Commanding Officer of the cantonment, and any other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Page 473.

* This clause was added by G. O. No. 41 of 1890.

Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Page 473. Reference to Committee of Arbitration in case of transfer on relief.

1944. When a house is transferred from one officer to another on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser.

Page 473. Appeal when to lie from decision of Committee of Arbitration.

1945. In the case referred to in paragraph 1939 the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted through the regular channel whenever the proprietor of the premises is dissatisfied with the award; but in the case referred to in paragraph 1944 there is no appeal from the decision of the Committee, which is to be final.

Page 473. Notice of intention to convene Committee of Arbitration. Nomination of member to represent owner.

1946. Due notice must in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice,—which, if the owner or agent be a non-resident in the cantonment or its vicinity, is to be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble,—the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee will thereupon proceed to arbitration.

Page 373. Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

1947. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return under the provisions of paragraph 1939, should a suitable one not be at the time available for rent. In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of the Commander-in-Chief.

Page 474. Committee of Arbitration for repairs.

1948. In the event of the tenant of a house considering that the house requires repairs, and of his being unable to induce the owner to execute them, he should call on his landlord to join with him in appointing a Committee of Arbitration to decide the question.

Composition of Committee of Arbitration.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and the other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

Notice as to executing repairs at cost of owner.

In either case the landlord should be informed that, unless within a named time he either executes the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

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Page 474. Purchase of buildings for public purposes. Committee of Arbitration.

1950. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same according to the rules of the Public Works Department, and recourse is only to be had to Committees of Arbitration in the event of any disagreement and on the application of the Executive Engineer or of the proprietor of the premises.

Hiring of buildings for public purposes.

1951. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department on the spot is in all cases to arrange for the hiring of such buildings and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding stations are

to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves, and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier or more for the interest of Government, and also to submit the arrangements for sanction as if originally made by himself.

Disputes to be reported.

1952. Officers Commanding stations are required, in cases of disputes relative to houses or lands in cantonments, before taking action thereon, to submit the same, with their opinion, for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself. Page 475.

Buildings devoted to religious uses.

1953. On no account is any church, chapel, mosque, temple, tomb or other buildings devoted to religious use to be occupied as a dwelling-house or for any other purpose without the full and free consent of the persons interested in it, and the sanction of the principal civil or political authority on the spot. Page 475.

II.—Grants of Land.

(BENGAL AND BOMBAY.)

Sanction required to occupation of land.

1994. In no case is any cantonment land to be enclosed or occupied without the sanction of the *General Officer Commanding*, and Commanding Officers are strictly prohibited from allowing any one to occupy a site under any circumstances whatever, until such sanction has been officially received; nor are the boundaries of compounds to be changed, without similar authority.* Page 481.

Size of sites granted to officers.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary, conforming as far as possible to the dimensions laid down in the Public Works Code.

Closing or opening of roads.

†1994A. No old roads in cantonments are to be closed, or new ones opened, without the sanction of the Commander-in-Chief.

Submission of application for land.

1995. All applications for unoccupied ground, for the purpose of being enclosed, built upon, or in any way appropriated to private purposes, are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station, or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be. Page 481.

Certificate by Commanding Officer.

1996. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment. In forwarding to the Assistant or Deputy Assistant‡ Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects. Page 481.

Form of application for land.
Plan of site.

1997. All such applications are to be made on $\frac{\text{Bengal Form No. 85}}{\text{Bombay Form No. 212}}$, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and, where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown. Page 481.

Certificate by local officer of Quarter Master General's Department or Executive Engineer.

This plan is to be authenticated by an officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division, to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

* Paragraph 1994 is printed as altered by G. O. No. 51 of 1887.
† Paragraph 1994A was inserted by G. O. No. 51 of 1887.
‡ The words "Assistant or Deputy Assistant" were inserted by G. O. No. 51 of 1887.

Page 482. 1998. All grants are to be registered (Public Works Code,* paragraph 162, page 201) by the Cantonment Magistrate, where one is allowed, otherwise by the Staff Officer of the station; and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

Page 482. 1999. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee as well as by those to whom his grant may subsequently be transferred:—

Conditions of occupancy.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Arbitration in case of transfer on relief.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station has been previously obtained under his hand.

Transfer of house to civilian.

(*d*) When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, the procedure prescribed in section VII, paragraph 724, is to be adhered to. This rule applies to officers and others in the service of Government only, but the sale or transfer of any house in cantonments must first receive the sanction of the local military authorities.

Transfer to native.
Sanction required to any transfer.

(*e*) The Commanding Officer has power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

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Bengal Form No. 85.

(Referred to in Army Regulations, India, 1887, Volume II, Part II, paragraph 1997, supra, page 33.)

Form.

APPLICATION FOR A GRANT OF LAND.

SIR,

I request you will apply for permission for me to occupy the ground herein described.

I have, etc.,

(Applicant's Signature.)

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.
				I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments. And I further engage to build on the site applied for, and not to transfer it to anyone else for this purpose. *(Applicant's Signature.)*

* Edition of 1878.

BOMBAY.

Government General Order, dated 15th April, 1819.

The Governor in Council is pleased to publish for the information of the army the following Regulation passed on the 25th February in the Judicial Department, defining the powers of the police within the military bazars under this Presidency, and confirming the principle laid down in the General Orders by Government dated the 5th April, 1805, and 4th December, 1817:— Aitchison's Code, 1824, page 41, Art. 25.

A. D. 1819, Regulation 1.

* * * * * * * *

Boundaries.

(iv) On receipt of this Regulation the limits of the cantonments, including the military bazars attached thereto, at which any division or corps of the army, or any considerable detachment (not less than half of a battalion) may be quartered, shall be fixed by the Commanding Officers in concert with the Criminal Judge or Zila Magistrate. *Ib.*, page 42, Art. 32.

Report as to boundaries.

The Commanding Officer at each of those stations will accordingly submit to Government, through the usual channel, as soon as circumstances may conveniently admit, a report framed in concert with the Criminal Judge or Zila Magistrate, within whose jurisdiction the cantonments may be situated upon the local limits of the cantonments, forwarding at the same time any separate remarks which the Criminal Judge or Zila Magistrate may wish to make on the subject for the final orders of the Governor in Council.

Local extent of rules.

(v) The above rules shall be considered applicable to all cantonments in which any considerable body of the troops, not being less than half a battalion, is quartered, whether the cantonments be situated at the place of residence of the Judge, Criminal Judge and Zila Magistrate or in any other part of the districts. *Ib.*, page 42, Art. 33.

Government General Order, dated 6th January, 1827.

Land belongs to Government.

Resumption of land.

The Honourable the Governor in Council thinks it necessary to explain in General Orders that any permission which officers not provided with public quarters may receive to erect houses on ground within a fortress or military cantonment confers on them no right of property whatever in the ground allotted them for that purpose, which continues the property of the State, and resumable at the pleasure of Government. Aitchison's Code, Supplement, 1832, page 27, Art. 92.

Government General Order, dated 1st May, 1827.

Land not required to be cleared and left vacant.

Cultivation.

With a review to the better security of the health of the troops, the Governor in Council is pleased to establish it as a general rule that as soon as the limits of any military cantonment are fixed according to the existing regulations, all grounds not required to be occupied be immediately cleared and left vacant, and on no account appropriated for the cultivation of grain. It should be a particular duty of Commanding Officers to take care that no vegetation of any kind that threatens to be injurious to health should be permitted within the limits of cantonments. Aitchison's Code, Supplement, 1832, page 194, Art. 38; Jameson's Code, 1844, page 112, Art. 243; Jameson's Code, 1850, page 132, Art. 5.

Government letter, dated 8th January, 1830.

Fixing of rent.

The Right Honourable the Governor in Council concurs with His Excellency the Commander-in-Chief as to the expediency of making it a general rule to fix the rent of houses within military cantonments. Aitchison's Code, Supplement, 1836, page 40, Art. 223.

(N.B.—The rent of all such houses is to be fixed by a Committee.) *Ib.*

Government (Bombay) General Order, dated 30th October, 1832.

Exclusion of private land.

As in conformity with the principle of Regulation XXII, A. D. 1827, section XXI, clause 1st, and of Government General Order, 6th January, 1827, Military Code, Second Supplement, page 27, Article 92, no private landed property is to be included within the limits of cantonments in which the whole of the ground belongs to Government, the Right Honourable the Governor Aitchison's Code, Supplement, 1836, page 28, Art. 1804.

in Council is pleased to declare that Commanding Officers have the power of removing from cantonments, and preventing the residence therein, of any person not being an officer or soldier belonging to the force, and that it is the duty of Commanding Officers of cantonments so to remove from within the limits all such persons whose residence therein they may deem objectionable under due responsibility to superior authority for the proper exercise of this power.

Power to remove civilians from cantonments.

Aitchison's Code, Supplement, 1836, page 36, Art. 105.

Right of excluded persons to remove their property.

Persons removed from a cantonment are, of course, to be allowed to dispose of or take away the materials of any building in the cantonment belonging to them, and their property of every description.

Government (Bombay) General Order, dated 22nd August, 1835.

Aitchison's Code, Supplement, 1836, page 39, Art. 217.

Rules as to appropriation of unoccupied land.

The Right Honourable the Governor in Council has been pleased to pass the following rules regarding the appropriation of unoccupied ground within the limits of military cantonments :

Ib., Art. 218.

Submission of application for land.

(1) All applications for unoccupied Government ground, for the purpose of being enclosed, built upon or appropriated in any way whatsoever within the limits of military cantonments, are in the first instance to be made to the Commanding Officer of the station in which such ground is situated.

Ib., Art. 219.

Certificate by Commanding Officer.

(2) The Commanding Officer of the station is held responsible that no such ground is occupied to the inconvenience of the service or the public or to the injury of the appearance of the camp or cantonment, and will satisfy himself on these points, and certify the same on the face of each application that he may forward.

Ib., Art. 220.

Approval required.

(3) If no objection exists, the application will be forwarded to the General or other Officer Commanding the division. But in all cases in which ground hitherto unappropriated is applied for for the purpose of being enclosed, the applications are to be handed up in the usual manner to His Excellency the Commander-in-Chief for the final approval of Government.

Ib, Art. 221.

Form of application.

(4) All such applications are in future to be made according to the annexed form.

Ib., Art. 222.

Permission to occupy confers no proprietary right.

(5) It is to be understood that permission to occupy ground within the limits of a cantonment confers no proprietary right on the occupant.

FORM.

Form.

To

The Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will procure permission for me to occupy the ground herein described:—

Situation of the ground.	Enclosed or open.	Extent.	Nature of the soil.	How to be laid out.	Bounded on the north, south, east and west.

Government General Order, dated 7th May, 1838.

Rules as to occupation of land and disposal of land or buildings.

Jameson's Code, 1844, pages 111, 112, Arts. 232 to 242; Jameson's Code, 1850, pages 132, 133, Arts. 7 to 17.

The various orders now in force in this Presidency in regard to the occupation of ground and the disposal of premises or buildings within the limits of military cantonments are rescinded, and the following regulations substituted :—

Submission of application for land.

Alteration of boundaries and closing or opening of roads.

All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes within the limits of a military cantonment are in the first instance to be made to the Commanding Officer of the station through the usual channel ; and in no case are the boundaries of compounds to be changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

Certificate by Commanding Officer.

As the health and comfort of the troops are paramount considerations, to which all others must give way, the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the cantonment, and in forwarding any application for grant he must certify that it is not objectionable in those or any other respects.

Orders of Government required.

When no objection occurs, the application is to be forwarded through the prescribed channel by the Commanding Officer of the station to the Quarter Master General of the army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

Form of application.

All such applications are to be made according to the annexed form.

(FORM.)

The Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will procure permission for me to occupy the ground herein described :—

Situation of the ground.	Enclosed or open.	Extent.	Nature of the soil.	How to be laid out.	Bounded on the north, south, east and west.

Permission to occupy confers no proprietary right.

Resumption of land.

Committee of Arbitration.

Permission to occupy ground in a military cantonment confers no proprietary right on the occupant : it continues the property of the State and resumable at the pleasure of Government : but in all practicable cases one month's notice of resumption will be given, and the value of all buildings which may have been erected thereon, as estimated by a Committee, will be paid to the owner.

Transfer of houses between military officers.

Committee of Arbitration.

Houses or other property situated on such ground may be transferred by one officer to another without restriction (beyond the permission of the local Commanding Officer to the purchaser to live in a particular quarter or section of the cantonment), recourse being had in cases of dispute to a Committee of Arbitration, whose decision shall be binding on both parties.

Owner to have option to let or sell.

Whenever the Commanding Officer at a station shall deem it necessary for the public service, or for the accommodation of the officers or soldiers at that station, to take possession of any house occupied within the cantonment by a person not being an officer or soldier of the force at such station, the occupant shall receive the full value of such house as a building, and, in case of its being intended to keep up such house, it shall be at the option of the previous occupant to claim either its full value as purchase, or a fair rent for the occupation of the same; the rent or value in the above case to be determined by a Committee of Arbitration.

Committee of Arbitration.

When houses of the officers of one corps are to be transferred to those of another, as on occasion of a relief, if a difference of opinion should arise as to the terms of transfer, the price shall be fixed by a Committee of Arbitration.

Committee of Arbitration.

Committees of Arbitration assembled under this order are to be composed of five officers having no interest in the subject of reference. In all practicable cases the Officer Commanding the cantonment should preside, and an officer of the Quarter Master General's Department and of the Engineers, if present, should be ordered to assist. The decision of such Committees to be final.

Composition of Committees of Arbitration.
No appeal.

In all cases where houses occupied by a person not being an officer or soldier of the force at that station are taken possession of as abovementioned, care shall be taken to consult the advantage and convenience of the occupants as far as the exigency of the case and the public interests will permit, and the Committee of Arbitration appointed to fix the value or rent of such a house shall take fully into their consideration all the circumstances of the case, and any representation made by or on behalf of the occupants, before they make their award; and the proceedings of the Committee shall be submitted to His Excellency the Commander-in-Chief, who may direct a revision by the same or any other Committee if he thinks proper, and no award of any Committee shall be carried into effect until it shall have received His Excellency's sanction and approbation.

Precautions in requiring change of tenants.

Proceedings of Committee of Arbitration to be submitted to Commander-in-Chief.

Government General Order No. 496, dated 27th August, 1844.

Jameson's Code, 1850, page 132, Arts. 1 to 4.

Boundaries.

Government is pleased to direct that, whenever it may be required to mark the limits of cantonments, particular attention be paid to the section * of Regulations XXII of 1827, *viz.*—

Clause 1st.—"At military stations situated within the territories subordinate to the Presidency of Bombay, the limits of cantonments or bazars shall, when directed by the Governor in Council, be marked by the local Magistrate and Commanding Officer in conjunction, subject to approval by the Governor in Council, in which limits private property is not to be included.

Exclusion of private land.

Clause 2nd.—"The above-mentioned officers will report the limits, with a plan thereof, to the Governor in Council, and, when they have been approved, a plan shall be kept by the Magistrate and another by the Commanding Officer."

Plan.

When the local Magistrate and Commanding Officer shall in conjunction have marked the limits, the report and the plan thereof are to be signed by both these officers before they are submitted for the approval of Government and for publication in General Orders.

Whenever an alteration may be required in any part of the limits of a cantonment which have been regularly marked out and published, the local Magistrate and Commanding Officer are to draw up and sign a report and plan of the entire limits after alteration; and a new description will then be published in General Orders which will be considered to supersede and cancel the former description altogether.

Alteration of boundaries.

* *i.e.*, section 21.

General Order by the Commander-in-Chief, dated 7th July, 1847.

Enforcement of rules of May, 1838.

The Commander-in-Chief calls attention of all Officers Commanding divisions and stations to the Order of the 7th May, 1838, laid down by Government for the disposal of ground in military cantonments; and the circumstance of any enclosure having been obtained without these rules being observed, if brought to His Excellency's notice, will cause it to be immediately resumed, and should any buildings have been erected thereon, they will be cleared away at the expense of those who granted it. Jameson's Code, 1850, page 133, Art. 18.

Government letter, dated 20th August, 1847.

Enforcement of rules of May, 1838.

Government direct that any deviations from the above regulations on the part of local Commanding Officers will not be permitted, and any grant made without due authority for the purpose of a new enclosure or the extension of an old one will, whenever brought to notice, be immediately annulled. Jameson's Code, 1850, page 133, Art. 19.

Government General Order No. 569, dated 8th November, 18[illegible]9.

Government directs the publication of the following rules connected with the formation and conservation of cantonments, in addition to those already existing, and as an addenda to those of 1838:— Jameson's Code, 1850, page 927, Art. 22.

Boundaries. Regulation XXII. Chapter IV, Section XXI; Clause I, Civil Regulations 1827.

The limits of every military cantonment shall be fixed by the Commanding Officer of the station, in concert with the Political Officer or Collector of the district, marked by boundary stones, or in some other equally permanent manner, and the description thereof published in General Orders. *Ib.*, Art. 23.

Plan.

A plan of every cantonment so marked to be signed by these authorities will be kept in the Quarter Master General's office, where it will be duly registered. *Ib.*, Art. 24.

Sanction required to building.

Officers Commanding divisions of the army, or in charge of cantonments, shall not permit dwelling-houses or such like buildings to be erected within the limits of a military station until they shall have obtained the sanction of Government through the prescribed channel. *Ib.*, Art. 25.

Encroachments.

The preservation of cleanliness is of the first importance; and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or court-yards, without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction shall be liable to have them demolished, and he will be required to remove the materials at his own cost. *Ib.*, Art. 26.

Removal of buildings erected beyond boundaries.

* * * * * * * *

Registration of value and rent of buildings and names of occupants.

Owners of houses within cantonments, not being resident, military officers, are required to have their names registered in the Major or Brigade or Station Staff Officer's office, together with the *bonâ fide* value of their buildings, monthly rent and the names of their occupants. *Ib.*, Art. 28.

Limitation to rate of rent.

Committee of Arbitration.

The rent of all buildings to be limited to 20 per cent. of their *bonâ fide* value if taken from month to month, or 15 per cent. if for a period of twelve months; and in case of dispute this value to be determined by a Committee of Arbitration, as laid down in the Code, paragraph 133, Article 16. *Ib.*, Art. 29.

Procedure in fixing rent.

But, as no rule can be framed for making this estimate, the Committee will be guided by their own judgment and experience when taking into consideration the value of the materials composing each building, its state of repair, accommodation and general convenience. *Ib.*, Art. 30.

Reduction of rent to standard.

Should the rent charged be found to exceed 20 per cent. in the former case and 15 in the latter of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., should the house-owner be bound to make them. *Ib.*, Art. 31.

Jameson's Code, 1850, page 927, Art. 32. Reduction of rent and execution of repairs by tenant.

In the event of the house-owner refusing to lower his rent or declining to make the repairs required, should such be his agreement, the tenant will be at liberty, with the previous sanction of the Officer Commanding the station, to make them himself, deducting the cost thereof, as well as the sum in excess of the percentage laid down in the preceding paragraph, from the rent.

Ib., Art. 33. Local extent of rules.

The above rules are to be considered applicable to all military stations under this Presidency, excepting the garrison of Bombay.

Government General Order, No. 677, dated 15th December, 1851.

Jameson's Code, 1850, Appendix No. I, 1852, page 20, Art. 129. Rules as to boundaries, occupation of land and buildings, and disposal of land and buildings.

The following modified rules connected with cantonments and houses, cancelling paras. 7 to 17, pages 132 and 133, of the Code, and paras. 22 to 33, page 927, addenda to Code, are published for general information :—

Ib., Art. 130. Boundaries.

The limits of every military cantonment shall be fixed by the Commanding Officer of the station, in concert with the Political Officer or Collector of the district, marked by boundary stones, or in some other equally permanent manner and the description thereof published in General Orders.

Ib., Art. 131. Plan.

A plan of every cantonment so marked to be signed by those authorities will be kept in the Quarter Master General's office, where it will be duly registered.

Ib., Art. 132. Submission of application for land. Alteration of boundaries and closing or opening of roads.

All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes* within the limits of military cantonments, are in the first instance to be made to the Commanding Officer of the station through the usual channel; and in no case are the boundaries of compounds to be changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

Ib., Art. 133. Certificate by Commanding Officer.

As the health and comfort of the troops are paramount considerations to which all others must give way, the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment; and, in forwarding any application for grant, he must certify that it is not objectionable in those or any other respects.

Ib., Art. 134. Orders of Government required.

When no objection occurs, the application is to be forwarded through the prescribed channel, by the Commanding Officer of the station, to the Quarter Master General of the army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

Ib., Art. 135. Form of application.

All applications are to be made according to the annexed form :—

To

The Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will procure permission for me to occupy the ground herein described :—

Situation of ground.	Enclosed or open.	Extent.	Nature of the soil.	How to be laid out.	Bounded on the north, south, east and west.

* The words "to private purposes" were cancelled by G. G. O., dated 11th November, 1853, *post.*

Officers Commanding stations shall not permit private* buildings to be erected within the limits of a military station until they shall have obtained the sanction of Government through the prescribed channel. Jameson's Code, 1850, Appendix No. I, 1852, page 20, Art. 136.

Sanction required to building.

The preservation of cleanliness is of the first importance, and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or court-yards, without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction will be liable to have them demolished, and to be required to remove the materials at his own cost. *Ib.*, Art. 137.

Encroachments.

Removal buildings erected beyond boundaries.

* * * * * * * *

Permission to occupy ground in a military cantonment confers no proprietary right. It continues the property of the State, and resumable at the pleasure of Government; but in all practicable cases one month's notice of resumption will be given, and the value of all buildings which may have been erected thereon, as estimated by a Committee, will be paid to the owner. *Ib.*, Art. 139.

Permission to occupy confers no proprietary right.

Resumption of land.

Committee of Arbitration.

Houses or other property situated on such ground may be transferred by one officer to another without restriction (beyond the permission of the local Commanding Officer to the purchaser to live in a particular quarter or section of the cantonment), recourse being had in cases of dispute to a Committee of Arbitration, whose decision, duly confirmed, shall be binding on both parties. *Ib.*, Art. 140.

Transfer of houses between military officers.

Committee of Arbitration.

Whenever the Commanding Officer at a station shall deem it necessary for the public service, or for the accommodation of the officers or soldiers at that station, to take possession of any house within the cantonment owned by a person not being an officer or soldier of the force at such station, the owner shall receive the full value of such house as a building; or, in case of its being intended to keep up such house, it shall be at the option of the owner to claim either its value or a rent for occupation, such rent or value to be determined by a Committee of Arbitration. *Ib.*, page 21, Art. 141.

Owner to have option to let or sell.

Committee of Arbitration.

When houses of the officers of one corps are to be transferred to those of another, as on occasion of a relief, if a difference of opinion should asise as to the terms of transfer, the price or rent shall be fixed by a Committee of Arbitration. *Ib.*, Art. 142.

Committee of Arbitration.

Committees of Arbitration assembled under this order are to be composed of five officers having no interest in the subject of reference, especially selected for their judgment and experience, the owner being allowed to name one member, a military officer at the station, and willing to officiate; in all practicable cases the Officer Commanding the cantonment should preside, and an officer of the Quarter Master General's Department and of the Engineers if present should be ordered to assist. *Ib.*, Art. 143.

Composition of Committee of Arbitration.

In all cases where houses are taken possession of as above-mentioned, care shall be taken to consult the advantage and convenience of the occupants and owners, as far as the exigency of the case and the public interest will permit; and the Committee of Arbitration appointed to fix the value or rent of such a house shall take fully into their consideration any representation made by or in behalf of the owners, before they make their award; the owner, or his agent, in all practicable cases to be warned of the intended assembly of a Committee and invited to attend; and the proceedings of the Committee shall be submitted, with any remarks thereon the Officer Commanding the station and division may think advisable, to the Commander-in-Chief, who may direct a revision by the same or by any other Committee, if he think proper; and no award of any Committee shall be carried into effect until it shall have received His Excellency's sanction. *Ib.*, Art. 144.

Precautions in requiring change of tenants.

Proceedings of Committee of Arbitration to be submitted to Commander-in-Chief.

* The word "private" was cancelled by G. G. O., dated 11th November, 1853, *post.*

Jameson's Code, 1850, Appendix No. I, 1852, page 20, Art. 145.

Registration of value and rent of buildings and names of occupants.

Owners of houses within cantonments, not being resident military officers, are required to have their names registered in the Major or Brigade or Staion Staff Officer's office, together with the *boná fide* value of their buildings, monthly rent and the names of their occupants.

Ib., Art. 146.

Owner to record whether he desires to sell or let.

The owner of every house coming under this order, in giving in the value and rent of his property, will at the same time record if it is his desire to sell or rent, and he is not to be allowed to change the record but by permission of the Brigadier of the station on his showing sufficient grounds.

Ib., Art. 147.

Limitation to rate of rent.

The rent of buildings valued by Committees to be not less than 20 per cent. of their *boná fide* value if taken from from month to month, or 15 per cent. if for twelve months or more; but Committees may award as much more as in their judgment, considering the probable deterioration, cost of repairs, and any local or peculiar circumstances, may be a just and sufficient return for money invested in house property. If an officer taking a house for twelve months quits it under any circumstances before that period has expired, he is to pay the higher percentage for the time of actual occupation.

Ib., Art. 148.

Procedure in fixing rent.

In estimating the value of houses, the opinion of an Engineer Officer, when available, should always be taken; any circumstances tending to enhance its value to the tenant, such as extensive grounds, gardens, advantageous situation, etc., should also be attended to by the Committee.

Ib., Art. 149.

Reduction of rent and execution of repairs by tenant.

In the event of a house-owner refusing to lower his rent to the standard fixed by a Committee, or declining to make the necessary repairs, the tenant will be at liberty, with the previous sanction of the Officer Commanding the station as to extent and amount, to make them himself, deducting the cost thereof, as well as the sum in excess of the percentage, from the rent.

Ib., Art. 150.

Recovery of rent.

In any case where a house-owner shall represent that there is difficulty or delay in procuring the stipulated amount of house-rent, the Commanding Officer of the station is authorised, if on enquiry it appears to him expedient to do so, to direct the amount to be deducted monthly from the officer's abstract and paid over to the owner by the regimental Paymaster.

Ib., page 22, Art. 151.

Local extent of rules.

The above rules are to be considered applicable to all military stations under this Presidency, excepting the garrison of Bombay.

General Order by the Commander-in-Chief, dated 16th May, 1853.

Jameson's Code, 1850, Appendix No. II, 1854, page 18, Art. 172.

The following orders relating to good order and cleanliness in cantonments are published:—

Sale of land illegal.

1st.—By Article 139, Section XI, Appendix No. 1, to Jameson's Code, it is declared that permission to occupy ground in a military cantonment confers *no proprietary right*, yet cases have been brought to notice where land in cantonments, the use or occupation of which has been granted to officers by Government, has been *sold* to natives. Such acts are illegal and dishonest.

Ib., Art. 173.

Houses not claimable as of right for occupation by civilians.

2nd.—No persons, except military officers belonging to a force at a station, or to the divisional or general staff, can *of right* occupy houses in a cantonment, or without obtaining the permission of the Officer Commanding to do so; but this permission is only to be refused on public grounds, and every desire is to be shown to accommodate officers in the public service whose duty requires them to live in or near a cantonment, and other persons of irreproachable character and conduct.

Ib., page 19, Art. 174.

Precautions in requiring change of tenants.

3rd.—The power accorded by paragraph 141, Section XI, Appendix No. 1. of the Code, to an Officer Commanding a station to take possession of a house owned or occupied by a person not belonging to the force is to be exercised with the greatest reserve and considered as applying only to extreme cases. No house to be taken possession of against the will of the owner or occupier because a military officer may simply *prefer it to others*, but only when it can be satisfactorily shown that no other house befitting his rank is to be procured within a reasonable distance from the part of the cantonment where his public duty specially requires his presence.

4th.—When a necessity occurs for removing any person from his house for the benefit of an officer of the force, a party not on duty or belonging to the public service, and as far as practicable the last comer, is to be the first to be displaced. Jameson's Code, 1850, Appendix No. II, 1854, page 18, Art. 175.

New tenant to carry out engagements of previous tenant.

An officer in whose favour another party has been removed from a house is to make good all engagements to which the previous tenant was liable.

Staff Officers.

Staff Officers may be allowed to live in any part of a cantonment. *Ib.*, Art. 176.

Encroachments.

6th.—The prohibition in paragraphs 18 and 19, Section XI of the Code, to the alteration of compound limits, without sanction of Government, applies to internal as well as external alterations. *Ib.*, Art. 177.

7th.—Commanding Officers of regiments aided by their Quartermasters, are to be held responsible that the regulations in paragraphs 123, 137 and 138, Section XI, Appendix No. I, to the Code, are observed within the lines of their respective corps by all who reside within such lines, whether belonging to the regiment or not. *Ib.*, Art. 178.

Expulsion from cantonment.

8th.—If the directions to non-military parties relative to these orders are after due warning unattended to, Officers Commanding stations may compel them to leave the cantonment. *Ib.*, Art. 179.

* * * * * * * *

Government General Order No. 674, dated 11th November, 1853.

To prevent misconception hereafter, the words "*to private purposes*" in Art. 132, and "*private*" in Art. 136, Section XI, Appendix No. I to Jameson's Code, are cancelled. Jameson's Code, 1850, Appendix No. II, 1854, page 17, Art. 154.

Government Resolution, Military Department, No. 816, dated 15th March, 1862 and General Order by the Commander-in-Chief, No. 338, dated 29th March 1862.

Permission to occupy confers no proprietary right.
Land belongs to Government.
Resumption of land.
Committee of Arbitration.

Permission to occupy ground in a military cantonment confers no proprietary right. It continues the property of the State, and resumable at the pleasure of Government; but in all practicable cases one month's notice of resumption will be given, and the value of all buildings which may have been erected thereon, as estimated by a Committee, will be paid to the owners.

In sales of land only a right of occupancy is transferred.

Allotments of ground cannot be sold to any one, but the right of occupancy of an allotment in the sadr bazar of a cantonment may be sold where a fixed rate has been established by the Brigadier in conjunction with the cantonment staff and approved of by the Commander-in-Chief: it being clearly understood that it is only the occupancy that is to be sold, subject to the conditions specified in this paragraph; it being further understood that where more than one candidate comes forward for the same lot, an auction will be held, and the right of occupancy knocked down to the highest bidder. In the case of resumption of the ground, the price paid for the right of occupancy will be repaid to the occupant.

Government Resolution, Military Department, No. 2631, dated 29th June, 1870.

Permission to occupy land in cantonment in foreign territory.

It has been ruled by Government that there appears to be no reason why the military authorities should not grant a right of occupancy in cantonment limits at stations situated within foreign territory on the same conditions on which the right is granted in military cantonments in British India. These conditions effectually protect the sovereign or proprietary rights of the State in the land, and so long as these remain unaffected no objection can be legitimately made to any arrangements which the military authorities may find it necessary to adopt for the internal administration of a cantonment.

Regulations and Orders for the Army of the Bombay Presidency, 1875.

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SECTION 18.—CANTONMENTS.

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I.—GENERAL RULES.

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Boundaries.
Exclusion of private land.

4. The limits of cantonments or bazars shall be marked by the Magistrate or Political Agent and Commanding Officer in conjunction. In marking out the limits of new cantonments, private property is not to be included therein.

Report and plan as to boundaries.

5. When the local Magistrate and Commanding Officer shall in conjunction have marked the limits, a report and plan thereof are to be signed by both these officers and submitted through the Quarter Master General for the approval of Government and for publication, when approved, in General Orders; the limits are then to be marked by pillars or in some other equally permanent manner.

Boundaries.

Record of plan showing boundaries.

6. A plan of every cantonment so marked and signed will be kept in the Quarter Master General's office, where it will be duly registered, and a copy thereof, with a register of enclosures, will be furnished by the Divisional or District Assistant Quarter Master General to each Brigadier or Station Commanding Officer, who is to report to divisional head-quarters all changes in boundaries or occupations as they occur. All such changes are to be reported by the Divisional Assistant to the Quarter Master General to enable him to correct the register and standard plans in his office.

Alteration of boundaries.

New plan on alteration of boundaries.

7. Whenever an alteration may be required in any part of the limits of a cantonment which have been regularly marked out and published, the Magistrate and Commanding Officer are to draw up and sign a report and plan of the entire limits, as proposed after alteration, and a new description will then be published in General Orders which will be considered to supersede and cancel the previous plans and register.

Procedure for extending boundaries.

8. When an extension of cantonment limits, or the acquisition of ground for other military purposes is proposed, the General Officer Commanding the division concerned will prepare (in communication with the civil authorities) a sketch plan exhibiting the ground asked for, together with a description of the same.

This plan and description, accompanied by a detail of the reasons on which the acquisition of the land is urged, and a statement of the probable cost of obtaining possession, will be submitted for the information of His Excellency the Commander-in-Chief, who, should the object to be attained by the proposed acquisition warrant the proceeding, will forward the same for the sanction of Government.

Boundaries of bazars and villages.

9. The boundaries of sadr, station and regimental bazars, and of any villages within limits of cantonments, are also to be defined by pillars of masonry.

Encroachments.

10. The preservation of cleanliness is of the first importance, and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or courtyards without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction will be liable to have them demolished, and to be required to remove the materials at his own cost (paragraph 160).

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Alteration of boundaries.

14. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department.

* * * * * * * *

19. The regimental and departmental lines, and all unoccupied ground in military cantonments, are to be guarded from the intrusion of persons unconnected with the corps or departments for whom the lines are intended.

Intrusion.

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31. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General.

Officer to perform duties connected with lands and boundaries.

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Obtainment of private lands for military purposes.

33. The use of private lands for military purposes should be obtained through the Quarter Master General of the Army.

* * * * * * * *

Rent or Sale or Private Buildings.

35. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops and their families, for whom houses situated within such limits are by priority of right available.

Military character of cantonments.
Priority of claim of military men to houses.

Regimental officers are required ordinarily to live near the lines of their respective corps.

Regimental officers to live near their lines.

36. Civil and political officers of Government, and officers of the Public Works Department, are permitted to reside within the limits of military cantonments whenever the public interests may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter or the necessity of ensuring their personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers and others on duty at the station to the houses within its boundaries.

Civilians permitted to reside in cantonments.

37. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Should the notice (which should be personally served if possible) fail of effect, intimation of the same should be forwarded to Government in order that the necessary steps may be taken in the matter.

Compulsory transfer of tenants.
Notice.

Legal proceedings.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are claimable and absolutely necessary for the accommodation of officers whose services are actually required in the station, and for whom shelter is not available within a fairly reasonable distance of their duty. In the case of civil or political officers, or officers of the Public Works Department, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Precautions in requiring change of tenants.

38. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person in the service of Government directed or authorised by Government to reside therein, may be required to rent the same to any military officer belonging to the station who may require it to reside in if the Officer Commanding the station is satisfied that there is no other suitable house

Power to require owner to let house to military officer.

available (paragraph 46), with due regard to the rank of the claimant and to the duties he may have to perform.

Vacation of house on sale to another officer.

In every such case, however, if the owner shall have formally intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer shall not have been accepted, the officer shall at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has been sold, with the consent of the Commanding Officer of the station, to another military officer on duty at the station who requires it for his own residence.

Committee of Arbitration.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, shall be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration, to be assembled by order of the Officer Commanding the division or district, after he has fully satisfied himself as to the necessity for the same, and that the application for the Committee is not opposed to the orders of Government (paragraphs 42 and 44).

Monthly tenancy.

39. When a house is required to be rented for a military or medical officer under the conditions laid down in these regulations, the right to insist on anything beyond a monthly tenancy does not exist in cantonments unless there is some specific authority for taking the building out of the usual conditions on which land for building purposes is usually granted for military limits.

Owner to have option to let or sell.

40. In all cases of dispute the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house. Should he elect to rent the house, the Committee cannot compel him to sell it.

Reduction of rent not claimable by tenants.

41. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

Composition of Committee of Arbitration.

42. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable, at or in the vicinity of the station), the Commanding Officer of the cantonment, and *any* other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Reference to Committee of Arbitration in case of transfer on relief.

43. When a house is transferred from one officer to another on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser (paragragh 44).

Appeal when to lie from decision of Committee of Arbitration.

44. In the case referred to in paragraph 38, the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted through the regular channel, whenever the proprietor of the premises is dissatisfied with the award; but in the case referred to in paragraph 43 there is no appeal from the decision of the Committee, which is to be final.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

45. Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment of the intention to hold a Committee thereon; and in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice,—which, if the owner or agent be a non-resident in the cantonment or its vicinity, shall be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble,—the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

46. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return, under the provisions of paragraph 38, should a suitable one not be at the time available for rent. In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of His Excellency the Commander-in-Chief.

Committee of Arbitration for repairs.

47. In the event of a tenant of a house considering that a house requires repairs, and is unable to induce the owner to execute them, he should call on his landlord to join with him in appointing a Committee of Arbitration to decide the question.

Composition of Committee of Arbitration.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

Notice as to executing repairs at cost of owner.

In either case the landlord should be informed that, unless within a named time he either commences the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

* * * * * * *

Purchase of buildings for public purposes.

49. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same according to the rules of the Public Works Department, and recourse is only to be had to Committees of Arbitration in the event of any disagreement, and on the application of the Executive Engineer or of the proprietor of the premises.

Hiring of buildings for public purposes.

50. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department on the spot is *in all cases* to arrange for the hiring of such buildings, and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding stations are to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves, and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier or more for the interests of Government, and also to submit the arrangements for sanction as if originally made by himself.

Disputes to be reported.

51. Officers Commanding stations are required in cases of dispute relative to houses or lands in cantonments, before taking action thereon, to submit the same, with their opinion, for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself.

Buildings devoted to religious uses.

52. Mosques, temples or other buildings of a religious description, which may be within the boundaries of a cantonment, are not to be occupied as dwelling-houses without the most positive assurance that the religious habits or feelings of the natives are not likely to be in any way offended thereby.

II.—GRANTS OF LAND.

Sanction required to occupation of land.

Alteration of boundaries and closing or opening of roads.

53. In no case is any cantonment land to be enclosed or occupied without the sanction of the Commander-in-Chief; and Commanding Officers are strictly prohibited from allowing any one to occupy a site *under any circumstances whatever*, until such sanction shall have been officially received; nor are the boundaries of compounds to be changed, old roads closed or new ones opened without similar authority.

Size of site granted to officers.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary.

Applications from private persons barred.

No application for ground within cantonment limits, other than the bazar, can be received from persons who are not Government servants requiring residence in cantonments for the performance of their duties.

Submission of application for land.

54. All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes, are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station, or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be.

Certificate by Commanding Officer.

55. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment. In forwarding to the Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects.

Form of application for land.
Plan of site.

56. All such applications shall be made according to Bombay Form No. 212 and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown.

Authentication of plan by local officer of Quarter Master General's Department or Executive Engineer.

This plan is to be authenticated by the officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division in which the cantonment may be situated.

Certificate by Executive Engineer.

Such application must also be accompanied by a certificate from the Executive Engineer of the division to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

Grants to be registered and noted on plan.

57. All grants are to be registered by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station, and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Conditions of occupancy.

58. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee, as well as by those to whom their grants may subsequently be transferred:—

Resumption of land.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Arbitration in case of transfer on relief.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Transfer of house to civilian.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer to native.

(*d*) When it is proposed, with the consent of the Commanding Officer of the station, to transfer possession to a native, the sale must not be effected until the sanction of Government shall have been obtained.

Cancellation of grant within twelve months.

(*e*) The Commanding Officer shall have power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

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Army Regulations, India, 1887.

VOLUME II, PART II.

DISCIPLINE.

* * * * * * * *

SECTION XVII.—CANTONMENTS.

I.—General Rules. | II.—Grants of Land.

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I.—General Rules.

BENGAL AND BOMBAY.

[See paragraphs 1921 to 1953, *supra*, pages 30 to 33.]

BOMBAY.*

1954 The limits of cantonments or bazars shall be marked by the local Magistrate or Political Agent and Commanding Officer in conjunction. In marking out the limits of new cantonments private property is not to be included therein. Page 475.

Boundaries.

Exclusion of private land.

1955. When the local Magistrate and Commanding Officer shall in conjunction have marked the limits, a report and plan thereof are to be signed by both these officers and submitted through the Quarter Master General for the approval of Government and for publication. When approved in General Orders, the limits are then to be marked by pillars or in some other equally permanent manner. Page 475.

Report and plan as to boundaries.

Boundaries.

1956. A plan of every cantonment so marked and signed will be kept in the Quarter Master General's office, where it will be duly registered, and a copy thereof, with a register of enclosures, will be furnished by the Divisional or District Assistant Quarter Master General to each Brigadier or Station Commanding Officer, who is to report to divisional head-quarters all changes in boundaries or occupations as they occur. All such changes are to be reported by the Divisional Assistant to the Quarter Master General to enable him to correct the registers and standard plans in his office. Page 475.

Record of plan showing boundaries.

Alteration of boundaries.

1957. Whenever an alteration may be required in any part of the limits of a cantonment which have been regularly marked out and published, the Magistrate and Commanding Officer are to draw up and sign a report and plan of the entire limits, as proposed after alteration, and a new description will then be published in General Orders, which will be considered to supersede and cancel the previous plans and register. Page 475.

New plan of alteration of boundaries.

1958. When an extension of cantonment limits, or the acquisition of ground for other military purposes, is proposed, the General Officer Commanding the division concerned will prepare (in communication with the civil authorities) a sketch plan exhibiting the ground asked for, together with a description of the same. Page 475.

Procedure for extending boundaries.

This plan and description, accompanied by a detail of the reasons for which the acquisition of the land is urged, and a statement of the probable cost of obtaining possession, will be submitted for the information of His Excellency the Commander-in-Chief, who, should the object to be attained by the proposed acquisition warrant the proceeding, will forward the same for the sanction of Government.

1959. The preservation of cleanliness is of the first importance, and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or courtyards without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction will be liable to have them demolished and to be required to remove the materials at his own cost. Page 476.

Encroachments.

Removal of buildings erected beyond boundaries.

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1964. The regimental and departmental lines, and all unoccupied ground in military cantonments, are to be guarded from the intrusion of persons unconnected with the corps or departments for whom the lines are intended. Page 476.

Intrusion.

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1967. The use of private lands for military purposes should be obtained through the Quarter Master General. Page 476.

Obtainment of private lands for public purposes.

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II.—Grants of Land.

BENGAL AND BOMBAY.

[See paragraphs 1994 to 1999, *supra*, pages 33, 34.]

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* The word "Bombay" was inserted by G. O. No. 51 of 1887.

Bombay Form No. 212.

(*Referred to in Regulations and Orders for the Army of the Bombay Presidency, 1875, Section 18, paragraph 56,* supra, *page 48, and in Army Regulations, India, 1887, Volume II, Part II, paragraph 1997,* supra, *page 34.*)

Form of Application for grant of land in cantonments in the Bombay Presidency.

_______________ *18*

To

____

____

SIR,

I request you will be good enough to procure permission for me to

as shown on the annexed plans, and described below :—

Situation.	Enclosed or open.	Extent and area.	Nature of soil.	How to be laid out.	Bounded on the
					North.
					South.
					East.
					West.

I am,

SIR,

Your obedient servant,

____

____

Original sanction, Quarter Master General's No. , dated . Estimated cost Rs. . Proposed rent Rs. .

Certified that the grant of the ground applied for, or the buildings to be erected thereon, will not, so far as I am aware, be injurious to the health and comfort of the troops, or to the inhabitants of the cantonment or to the appearance of the cantonment.

Commanding at _______________

OPINION OF THE CANTONMENT COMMITTEE.

Secretary, Cantonment Committee.

________________ *18* .

No.________

Submitted for orders.

*Commanding*____________________

________________ *18* .

QUARTER MASTER GENERAL'S OFFICE;

*Poona,*____________ *18* .

No.________

By order,

Quarter Master General.

Sketch Plan of Ground.

Certified that I have personally examined the ground applied for, and compared the above plan with the standard plan in my office, and it is correct.

Assistant Quarter Master General.

Plan of Houses, Buildings, etc.

The work will be commenced and completed as soon as possible after sanction has been communicated to me.

________________ *18* .

(Applicant's signature.)

Conditions of occupancy.

I certify that the conditions on which the ground referred to in my application dated________has been granted to me have been explained to, and are perfectly understood by, me as follows :—

Resumption of land.

*1st.**—Government retains the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected (the value to be fixed by a Committee of Arbitration), together with the sum originally paid as ground fee.

Land belongs to Government.
Land cannot be sold by grantee.

*2nd.**—The ground, being the property of Government, cannot be sold by the grantee. The right of occupancy alone can be sold by the grantee, but not without the sanction of His Excellency the Commander-in-Chief obtained through the Officer Commanding the station. The fact of registering such deed of sale does not legalize it, if it is otherwise contrary to regulations.

Erection of buildings.

3rd.—That the buildings to be erected on the ground are to be strictly in accordance with the plan submitted, and that no alterations or additions are to be made thereto without permission of the Officer Commanding.

Cancellation of grant within twelve months.

4th.—That the military authorities have the power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

————————————

Grantee.

The above conditions have been explained by me to the grantee, and have been subscribed to by him in my presence.

————————————

Cantonment Magistrate or Staff Officer.

————————*18* .

MADRAS.

General Order by the Governor in Council, dated 8th May, 1812.

Sanction required to building.

The Honourable the Governor in Council is pleased to direct that officers in command of divisions of the army, or in charge of forts, under this Presidency shall not permit private buildings of any description to be erected within the walls of forts until they shall have obtained the sanction of Government through the Military Board ; and all officers or other persons in submitting applications for this purpose will be particularly careful to explain the extent and site of the ground, and whether it be the property of the public or of individuals. They will also submit plans of the buildings which they may desire to erect and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Ownership of land.
Plan of buildings.

Prohibition of building in certain localities.
Resumption of land.

The Honourable the Governor in Council has further resolved that no buildings shall be erected on the esplanade of a fort within 1,200 yards of the ditch ; and that no officer or other person shall be permitted to erect any building on ground belonging to the Company within the walls of a fort, or within the limits of any cantonment, but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority if at any future period it shall be required for public purposes, nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

No grant in perpetuity.

Lease.
Ground-rent.

On occasions when applications for grounds may be laid before the Government, it will rest with them to grant or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

* Clauses *1st* and *2nd* were inserted by G. O. C. C., dated 2nd July, 1877.

In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, the Honourable the Governor in Council is further pleased to direct that, from the date on which the above-mentioned agreement may be concluded between the Government and an individual, the latter shall, if required, restrict the rent of his house to an estimate which the engineer will be directed to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

Regulation of rent.

General Order by the Governor in Council, dated 1st October, 1813.

The following code of regulations for the conduct of the Quarter Master General's Department, compiled under the orders of His Excellency the Commander-in-Chief, having been approved by the Honourable the Governor in Council, it is hereby directed that the same be considered as Standing Orders of the Government of Fort St. George, and that printed copies be transmitted to every station, and to the head-quarters of every corps, for the general information and guidance of the army.

* * * * * * * *

20. Officers in command of divisions of the army, or in charge of forts, under this Presidency shall not permit private buildings of any description to be erected within the walls of forts until they shall have obtained the sanction of Government through the Military Board; and all officers or other persons, in submitting applications for this purpose, will be particularly careful to explain the extent and site of the ground and whether it be the property of the public or of individuals. They will also submit plans of the buildings which they may desire to erect, and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Sanction required to building.

Ownership of land.
Plan of buildings.

21. No buildings shall be erected on the esplanade of a fort within 1,200 yards of the ditch; and no officer or other person shall be permitted to erect any building on ground belonging to the Company within the walls of a fort, or within the limits of any cantonment, but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority if at any future period it shall be required for public purposes; nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Prohibition of building in certain localities.
Resumption of land.

No grant in perpetuity.

22. On occasions when applications for grounds may be laid before the Government, it will rest with them to grant or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Lease.

Ground-rent.

23. In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, it is directed that from the date on which the above-mentioned agreement may be concluded between the Government and an individual, the latter shall, if required, restrict the rent of his house to an estimate which the engineer will be directed to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

Regulation of rent.

* * * * * * * *

General Order by the Governor in Council, dated 12th September, 1820.

The following revised code of regulations for the conduct of the Quarter Master General's Department, compiled under the orders of His Excellency the Commander-in-Chief, having been approved by the Honourable the Governor in Council, it is hereby directed that the same be considered as Standing Orders of the Government of Fort St. George, and that printed copies be transmitted to every station and to the head-quarters of every corps for the general information and guidance of the army.

* * * * * * * *

Sanction required to building. Ownership of land. Plan of buildings.

29. Officers in command of divisions of the army, or in charge of forts, under this Presidency shall not permit private buildings of any description to be erected within the walls of forts until they shall have obtained the sanction of Government through the Military Board; and all officers or other persons, in submitting applications for this purpose, will be particularly careful to explain the extent and site of the ground, and whether it be the property of the public or of individuals. They will also submit plans of the buildings which they may desire to erect, and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Prohibition of building in certain localities. Resumption of land. No grant in perpetuity.

30. No buildings shall be erected on the esplanade of a fort within 1,200 yards of the ditch; and no officer or other person shall be permitted to erect any building on ground belonging to the Company within the walls of a fort, or within the limits of any cantonment, but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority, if at any future period it shall be required for public purposes; nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Lease. Ground-rent.

31. On occasions when applications for grounds may be laid before the Government, it will rest with them to grant or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Scale of land allowed to officers.

32. The proportions of ground to be allotted to the several ranks of officers under the above rule shall be regulated according to the following scale, and applications for the same shall be transmitted to the Quarter Master General of the army, who will lay them before the Military Board:—

	Superficial contents. Sq. Yds.
Field officers	22,500
Captains	12,000
Subalterns	7,000

Extension of scales.

33. Although the above is to be considered the usual scale, yet as it may occasionally happen that, from the inequality of ground or other local causes there may be no objection to an extension of the scale, in all such cases the Military Board shall notify the same to the Government in submitting the applications for grants.

Sale of houses.

34. All officers who may be desirous of disposing of their houses erected on grounds leased out to them, under the foregoing regulations, shall apply to the Military Board for permission, specifying the person who may wish to purchase their property.

Regulation of rent.

35. In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, it is directed that, from the date on which the above-mentioned agreement may be concluded between the Government and an individual the latter shall, if required, restrict the rent of his house to an estimate which the Engineer will be directed to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

* * * * * * * *

General Order by the Governor in Council, dated 19th December, 1826.

The following revised code of regulations for the conduct of the Quarter Master General's Department, compiled under the orders of His Excellency the Commander-in-Chief, having been approved by the Honourable the Governor in Council, it is hereby directed that the same be considered as Standing Orders of the Government of Fort St. George, and that printed copies be transmitted to every station and to the head-quarters fo every corps for the general information and guidance of the army.

* * * * * * * *

34. Officers in command of divisions of the army or in charge of cantonments shall not permit private buildings of any description to be erected within the limits of a military station until they shall have obtained the sanction of Government; and all officers or other persons, in submitting applications for this purpose, will be particularly careful to explain the extent and site of the ground, and whether it be the property of Government or of individuals.

Sanction required to building.

Ownership of land.

35. They will also submit plans of the buildings which they may desire to erect, and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Plan of buildings.

36. No building shall be erected within the limits of any cantonment but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority if at any future period it shall be required for public purposes; nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Resumption of land.

No grant in perpetuity.

37. On occasions when applications for grants of grounds may be laid before the Government, it will rest with them to comply* or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Lease.

Ground-rent.

38. The proportions of ground to be allotted to the several ranks under the above rule shall be regulated according to the following scale, and applications for the same shall be transmitted to the *Quarter Master General of the Army, through whom all requisitions for Government* grants shall be forwarded, whether for military or other public purposes. These applications, as well as the applications of individuals, shall be sent by the Quarter Master General of the Army to the Collector of Customs in his capacity of Registrar of Government Grants, together with the title-deeds; and every other document showing by what right the ground in question is held by Government must invariably be transmitted :—

Scale of land allowed to officers.

Registration of grants.

	Superficial contents.
	Sq. yds.
Field officers	22,500
Captains	12,000
Subalterns	7,000

39. Although the above is to be considered the usual scale, yet as it may occasionally happen that from the inequality of ground or other local causes there may be no objection to an extension of the scale, in all such cases the Quarter Master General shall notify the same to the Collector of Madras when forwarding the applications for grants.

Extension of scale.

40. All officers who may be desirous of disposing of their houses erected on grounds leased out to them under the foregoing regulations shall apply to the Quarter Master General for permission, specifying the person who may wish to purchase their property.

Sale of houses.

41. In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, it is directed that, from the date on which the above-mentioned agreement may be concluded between the Government and an individual, the latter shall, if required, restrict the rent of his house to an estimate which the Engineer will be directed

Regulation of rent.

**Sic. Read* grant ?

to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the leases.

Form of application for land.
Submission of application.
Certificate by Commanding Officer.
Sanction of Government required.

42. Form No. 3 will be observed in all applications for Government grants. These will in the first instance be submitted to the Commanding Officer of the station in which the ground is situated, and, upon his certifying them to the Officer Commanding the division, that there is no objection to the ground being occupied by the applicant, the same shall be forwarded, through the channel already prescribed, for the sanction of Government.

* * * * * * * *

General Order by the Governor in Council, No. 273, dated 4th December, 1829.

Doubts having arisen as to the channel through which applications for grants of land situated within forts and military cantonments should be submitted to the Government, the Right Honourable the Governor in Council is pleased to declare paragraphs 34 to 42 of the Quarter Master General's regulations to be still in force, with the exception of that part of the 37th clause which restricts the terms of leases to a period of twenty-one years, and the portion of the 42nd paragraph which, in reference to the General Order by Government of the 8th May, 1812, prescribes the Military Board as the channel through which applications for grants should be submitted to Government.

Submission of application for land.
Sanction of Government required.
Lease.

Applications for grants of land within the limits of forts and military cantonments will be made hereafter, in the first instance, to Officers Commanding, who, on having satisfied themselves as to the propriety of each particular grant, will forward the applications to the Quarter Master General of the army, who, having received His Excellency the Commander-in-Chief's orders, will submit them for the approval or rejection of Government. In the event of their being sanctioned, the resolution of Government will be communicated to the Military Board, by whom the usual lease will be prepared.

To give proprietors of land situated within military limits a more permanent interest in the property and a stronger inducement to construct good houses, the Right Honourable the Governor in Council is pleased to declare that grants shall hereafter be made for a period not exceeding fifty years, and that they shall be renewable at the expiration of every tenth year on the conditions of the original deed on payment of a small fine of ten rupees.

Registration of grants.

As it is desirable that all grants of land by the Government should be registered in one office, it will be the duty of the Military Board, previously to the delivery of leases for land within fortresses and cantonments, to send such deeds for registry to the office of the Registrar of Government Grants, who will return them, without delay, with his countersignature attached, in acknowledgment of their having been recorded in his office, making no charge for fees thereon.

Local extent of rules.

This order is to be considered applicable to all military stations, with the exception of that on the Neilgherry Hills. The grants for buildings constructed there will receive the separate consideration of the Right Honourable the Governor in Council.

General Order by the Governor in Council, No. 11, dated 16th January, 1838.

Enquiry as to assessment, etc., of Government land.

The Right Honourable the Governor in Council, in reference to G. O., 8th May, 1812, and 4th December, 1829, is pleased to direct that, previously to submitting to Government applications, whether from Europeans or natives, for grants of land within fortresses or the limits of military cantonments, a reference shall be made by the Commanding Officer to the Collector of the district to ascertain how the land, if the property of the Government, is entered in his accounts, and what rent has hitherto been assessed upon

it; and the report of the Collector shall accompany the application for such land through the channel prescribed by the existing rules.

Application as to private land.

Certificate by Commanding Officer.

With respect to lands not being the property of Government within fortresses and cantonments, application shall be made through the Collector and the Board of Revenue, and on the production of a certificate from the Commanding Officer that the occupation of the land in the manner proposed is free from objection in a military point of view.

General Order by the Governor in Council, No. 107, dated 19th July, 1844.

The Most Noble the Governor in Council is pleased to direct the publication of the following extract from the Minutes of Consultation in the Revenue Department, dated the 15th June, 1844, No. 588, relative to the payment of quit-rent or assessment for lands situated within military cantonments :—

Ground-rent.

" The Most Noble the Governor in Council resolves to direct, in modification of all former orders, that the following rules, which will be promulgated through the Military Department, shall guide the local officers in the disposal of questions arising on the subject of lands in military cantonments :—

" 1st.—That the terms of the grants which have been obtained for lands situated in military cantonments shall be respected, and that such lands shall pay the amount of quit-rent stipulated in those grants.

" 2ndly.—That for all lands in excess of the extent entered in such grants the ordinary assessment shall be levied for such excess.

" 3rdly.—That for all lands for which grants have not been obtained the ordinary assessment shall be charged, except when that may exceed the quit-rent, in which case the amount of quit-rent shall be levied."

General Order by the Governor in Council, No. 71, dated 17th April, 1849.

The Right Honourable the Governor in Council directs the publication of the following rules in supersession of paragraphs 34 to 42 of section I of the regulations for the Quarter Master General's Department.

CANTONMENTS—GRANTS OF LAND.

* * * * * * * *

Boundaries.

2. The limits of every military cantonment shall be marked by boundary stones or in some other equally permanent manner.

Record of plans.

3. A plan of every cantonment so marked will be kept in the Quarter Master General's office, where it will be duly registered.

Sanction required to building.

4. Officers Commanding divisions of the army, or in charge of cantonments, shall not permit dwelling-houses, churches or such like buildings to be erected within the limits of a military station until they shall have obtained the sanction of Government.

Encroachments.

Removal of unauthorized buildings.

5. The preservation of cleanliness is of the first importance, and to this end the encroachment of huts and shops, temporary or otherwise, is to be particularly prevented. Any person erecting such buildings on Government land without having first obtained the permission of the local authority for so doing shall be liable to have them demolished and he will be required to remove the materials at his own cost.

* * * * * * * *

8. Applications for grants of land by Europeans or natives within the limits of fortresses, military cantonments and stations will be made in the first instance to the Officer Commanding the station, according to the following form :—

Application for land.

To

The Officer Commanding

(Station).

Form.

SIR,—I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described :—

Situation of the ground.	Since when enclosed.	Title under which it is held and whether the property of Government or of individuals.	EXTENT OF THE GROUND.			Nature of the soil.	How laid out, and whether buildings upon it.	BOUNDED ON THE			
			Cawnies.	Grounds.*	Square feet.			North by	South by	East by	West by

* Sic ?

Certificate by Commanding Officer.

(Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or military work.)

I am,
SIR,
Your most obedient servant,

9. Having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also of its not encroaching on or interfering with any public road, parade or military work, he will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts, and what rent has hitherto been assessed on it. He will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division or force, to the Quarter Master General of the army, by whom it will be submitted for the consideration of the Commander-in-Chief; and, if approved of by him, it will be laid before Government.

Duties of Commanding Officer.

Enquiry as to assessment, etc., of Government land.

Plan of site.

In the event of its being sanctioned, the resolution of Government will be communicated to the Quarter Master General and the Military Board, and by the latter a lease containing the following conditions will be prepared :—

Lease.

I. The grant to be allowed for fifty years.

Term.

II. The lease to be renewable at the end of every ten years by endorsement, for which purpose it is to be forwarded, through the Quarter Master General, to the Military Board, in whose office every such endorsement will be registered.

Renewal.

Ground-rent.

III. Payment of a yearly ground-rent as per Collector's valuation.

N.B.—In the Tenasserim provinces this yearly payment is levied by the authorities at Moulmein under the denomination either of quit-rent or house-tax.

Transfer of house.

IV. No grant or lease of the premises to be assigned by the applicant to any person not under the license or protection of the Company.

Protection of Government and tenants.

V. To do nothing to the premises which shall occasion annoyance to the Company or their tenants.

Amount of rent.

VI. The rent of all buildings erected on the premises to the limited to 15 per cent. of their *boná fide* value. This value to be determined by the Engineer of the division.

Resumption of land.

VII. If the Government needs the land and buildings at any time, they are to be surrendered.

VIII. The Government in this case to pay the value of the buildings, which is to be determined by the Engineer of the division.

IX. If dissatisfied with this value, the same to be fixed by the Government.

Cancellation of grant within twelve months.

X. If the ground is not built upon, or brought into use for the purpose specified, within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.*

Continuance of lessee's rights.

XI. The observance of all these stipulations to entitle the applicant to the land for the time prescribed without let or hindrance.

No grant in perpetuity.

10. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual.

Rejection of application for grant.

11. It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Application as to private land.

Certificate by Commanding Officer.

12. With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Registration of grants.

13. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government Grants who is to return them, without delay, with his countersignature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty.

Scale of land allowed to officers.

14. The proportion of land allowed to officers of the army requiring it is as follows:—

	Sq. yds.
Field officers	22,500
Captains	12,000
Subalterns	7,000

Extension of scale.

15. Although the above is to be considered the usual scale, yet as it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale, in all such cases the Quarter Master General shall notify the same to Government when forwarding the applications for grants.

Sale of houses.

16. All officers who may be desirous of disposing of their houses erected on ground leased out to them under the foregoing regulations shall apply to the Quarter Master General for permission to do so, specifying the person who may wish to purchase their property.

* Clause X was added by G. G. O. No. 386, dated 13th October, 1868.

17. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for a house-board. Should the Board be of the same opinion, the Engineer of the division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant.

House-board for settlement of rent.

18. As no rules can be framed for making this estimate, the Engineer will be guided by his own judgment and experience when taking into consideration the valuation of the materials composing each building, its state of repair, accommodation and general convenience.

Valuation of house by Engineer.

19. Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs etc., which the house-owner is bound to make. The proceedings of the Board and estimate of the Engineer will be forwarded, through the channel above prescribed, to the Quarter Master General and eventually, if necessary, to Government.

Reduction of rent to 15 per cent.

20. In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled; or, should he decline to make the repairs required, the tenant will be at liberty to make them himself, deducting the cost from the rent.

Cancellation of lease for over charge of rent.

Right of tenant to make repairs at cost of owner.

21. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Buildings on land of which no grant made.

22. The above rules are to be considered applicable to all military stations under this Presidency, the Neilgherry Hills excepted.

Local extent of rules.

* * * * * * * *

General Order by the Governor in Council, No. 181, dated 6th September, 1853.

The Right Honourable the Governor in Council directs that the following be substituted for rule 20 in G. O. G., 17th April, 1849, No. 71 :—

"In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled. Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision, and the *bonâ fide* cost deducted from the rent."

Cancellation of lease for overcharge of rent.

House-board for repairs.

General Order by the Governor in Council, No. 227, dated 6th June, 1862.

His Excellency the Governor in Council is pleased to publish the following rules for regulating the residence of officers and others in military cantonments, which are to form part of the Quarter Master General's regulations :—

OCCUPATION OF HOUSES IN CANTONMENTS.

1. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, European and East Indian subordinates, and their families; and limits are fixed for each cantonment in order that the space within which military authority may be exercised should be publicly recognized.

Military character of cantonments.

2. Houses situated within such limits are consequently by priority of right available for officers and soldiers above described.

Priority of claim of military men to houses.

3. The above rule is not, however, to interfere with gentlemen of the Covenanted Civil Service as regards the houses usually occupied by them in military cantonments.

Civilians permitted to reside in cantonments.

4. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will, therefore, be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments so as to bring all stations under the above arrangement in course of time.

Regimental officers to live near their lines.

Staff Officers.

5. Staff Officers may be allowed to live in any Staff Officer's part of a cantonment.

Registration of rent.

6. The rate of rent of all houses in a cantonment should be registered by the Staff Officer of the station, and recorded together with the proceedings of all "House Boards."

Claims of civilians to houses.

Officers, Public Works and other departments.
European and East Indian subordinates, etc., in the Civil or Public Works Department.
Missionaries and other residents.

7 Other claims for house accommodation noted in the margin for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But these gentlemen cannot retain any house that may be absolutely required for an officer of the military force at the station.

Houses to which the foregoing paragraphs apply.

8. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station.

Exemption of houses on private land and shops.

Houses built on land not the property of Government, or held on free-hold tenure, or occupied as shops, are exempt from this liability.

Compulsory transfer of house to officer.

9. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required.

Precautions in requiring change of tenants.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shown to the occupant whose removal on public grounds is rendered necessary.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it; and other quarters should be provided for the person, if removed as above, whenever practicable.

Register of houses.
Sanction required to occupation of house by civilians.

10. The register of houses occupied and vacant, referred to in paragraph 6 of this order, is to be kept in the Station Staff Office, alterations being made in it from time to time; and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience.

Sanction required to conversion of house into shop, etc.

11. In order that the number of dwelling houses in a cantonment available for civil and military officers and officers of public departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for its own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops on the promulgation of this order will not be liable to be registered as dwelling-houses unless the owners wish it or His Excellency the Commander-in-Chief may consider it absolutely necessary.

Registration of shop as dwelling-house.

House-board.

12. House-boards can only assemble on houses erected subsequent to 1813, when the G. O. on that subject was first promulgated.

Application of rules to British cantonments in foreign territory.

13. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules, as regards the rental of houses and allotment of officers in the cantonment, are to have equal effect.

Exemption of Bangalore.

Bangalore is specially exempted from the operation of these rules.

14. These rules are not to have *retrospective* effect*: nor are they to disturb the residence of officers and others at the present moment, except in cases of extreme and proved public inconvenience. Their object is to secure gradually, and as opportunity offers, a better arrangement for the future.

Rules not to have retrospective effect.

* Houses built prior to the establishment of military jurisdiction not being included under these rules.

15. In ordinary cases, the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division; and, if necessary, they may be submitted for the orders of the Commander-in-Chief, those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government.

Appeal.

General Order by the Commander-in-Chief, No. 65, dated 30th May, 1865.

CANTONMENTS—MILITARY BUILDINGS.

Application for land.

Instances having occurred in which departments of the army have occupied sites within the limits of military cantonments for the erection of buildings for the use of their departments without the cognizance or the authority of the Officer Commanding the division or force, or of Army Head-Quarters, and contrary to the provisions of G. O. G. No. 71 of 1849, paragraph 4, the Commander-in-Chief is pleased to direct that, whenever a site for such purposes is required, it shall first be applied for to the Officer Commanding the division, who will forward the application, with his observations, to the Commander-in-Chief for approval or otherwise.

General Order by the Commander-in-Chief, No. 122, dated 21st September, 1865.

CANTONMENTS.

The Commander-in-Chief directs the attention of Officers Commanding cantonments to paragraph 5 of G. O. G. No. 71 of 1849:—

Encroachments.

Removal of unauthorised buildings.

"The preservation of cleanliness is of the first importance; and to this end the encroachment of huts or shops temporary or otherwise, is to be particularly prevented. Any persons erecting such buildings on Government land without having first obtained the permission of the local authority for so doing shall be liable to have them demolished; and he will be required to remove the materials at his own cost."

The Madras Army Regulations, 1869.

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SECTION 19.—CANTONMENTS.

* * * * * * *

Page 222.

1276. The limits of every military cantonment are to be clearly defined, boundary stones or pillars being erected where there are no well-marked natural boundaries.

Boundaries.

A plan of each cantonment on a scale sufficiently large to show every building in it is to be kept in the office of the divisional Quarter Master General or Station Staff Officer.

Record of plans.

Page 222.

1277. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, European and East Indian subordinates, and their familes, for whom houses situated within such limits are by priority of right available.

Military character of cantonments. Priority of claim of military men to houses.

This rule, however, is not to interfere with gentlemen of the Covenanted Civil Service as regards houses usually occupied by them, in military cantonments.

Civilians permitted to reside in cantonments.

1278. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will, therefore, be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments so as to bring all stations under the above arrangement in course of time. Page 222.

Regimental officers to live near their lines.

Staff Officers.

Staff Officers may be allowed to live in any part of a cantonment.

1279. Other claims for house accommodation noted in the margin for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But those gentlemen cannot retain any house that may be absolutely required for any officer of the military force at the station. Page 222.

Claims of civilians to houses.
Officers, Public Works and other Departments.
European and East Indian subordinates, etc., in the Civil or Public Works Department.
Missionaries and other residents.

1280. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station. Page 222.

Houses to which regulations 1277 to 1279 apply.

Exemption of houses on private land and shops.

Houses built on land not the property of Government, or held on free-hold tenure or occupied as shops, are exempt from this liability.

1281. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice *in writing* must be given to the owner as well as the tenant of the house that the house in question is required. Page 222.

Compulsory transfer of house to officer.

Precautions in requiring change of tenants.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shown to the occupant whose removal on public grounds is rendered necessary.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it, and other quarters should be provided for the person, if removed as above, whenever practicable.

1282. A register of houses occupied and vacant, showing the rent of each, is to be kept in the Station Staff office, alterations being made in it from time to time; and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience. Page 223.

Register of houses and rents.
Sanction required to occupation of house by civilian.

1283. In order that the number of dwelling-houses in a cantonment available for civil and military officers, and officers of Public Departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for its own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops will not be liable to be registered as dwelling-houses unless the owners wish it, or His Excellency the Commander-in-Chief may consider it absolutely necessary. Page 223.

Sanction required to conversion of house into shop, etc.

Registration of shop as dwelling-house.

1284. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules as regards the rental of houses and allotment of officers in the cantonment are to have equal effect. Page 223.

Application of rules to British cantonments in foreign territory.

Exemption of Bangalore.

Bangalore is specially exempted from the operation of these rules.

Kamptee and Cuttack are under the Bengal cantonment rules.

Page 223.

Appeal.

1285. In ordinary cases the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division, and, if necessary, they may be submitted for the orders of the Commander-in-Chief; those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government.

Page 223.

Form of application for land.

1286. Applications for grants of land within the limits of cantonments or fortresses will be made in the first instance to the Officer Comamnding the station in the following form.

Grants only for officers' quarters or shops.

No grants of land will be made except for the purpose of erecting thereon officers' quarters or shops for the convenience of residents. It will be the duty of the Officer Commanding the station to see that this purpose is fulfilled.

Form.

To

The Officer Commanding

(*Station*).

SIR,

I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described :—

Situation of the ground.	Since when enclosed.	Title under which it is held, and whether the property of Government or of individuals.	EXTENT OF THE GROUND. Square yards.	Nature of the soil.	How laid out, and whether buildings upon it.	BOUNDED ON THE North by	South by	East by	West by

Certificate by Commanding Officer.

(Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or military work.)

I am

SIR,

Your most obedient servant,

Duties of Commanding Officer.

Enquiry as to assessment, etc., of Government land.

1287. The Officer Commanding the station, having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also that it does not encroach on or interfere with any public road, parade or military work, will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts; and what rent

has hitherto been assessed on it: he will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division or force to the Quarter Master General, by whom it will be submitted for the consideration of the Commander-in-Chief.

Plan of site.

In the event of its being sanctioned, a lease will be prepared by the Quarter Master General containing the following conditions :—

Lease.

(i) To hold the lease for fifty years, renewable at the end of every ten years, at the option of Government.

Term and renewal.

(ii) To pay a yearly ground-rent; to well and sufficiently repair, maintain, amend and keep the premises and appurtenances in such good and substantial repair as is necessary for the occupation of a tenant at rack-rent; to scour and cleanse all drains and water-courses belonging to the premises, and keep the same free from obstruction; to remove from the premises, and keep the same free from prickly-pear and aloe and all causes of malaria; hedges to be of a height not exceeding four feet from the level of the public road in front of or leading to the premises; to lop, and keep lopped, the branches of all trees, present and future, which shall grow lower than six feet from the ground.

Ground-rent.
Maintenance.

(iii) The premises, although maintained in the above order, to be given to Government at any time, if required.

Government claim to house.

(iv) The premises to be open to the Government authorities to take plans and examine the condition thereof.

Inspection.

(v) All or parts of requirements, if found necessary, to be supplied, notice of which in writing to be left at the premises, to be attended to by the lessee within three calendar months.

Requirements to be supplied.

(vi) *Not to do or do willingly cause or suffer* any act or thing to be done, in or upon the premises to the annoyance, grievance, damage or disturbance of Government or their tenants.

Protection of Government and tenants.

(vii) On assigning the premises to another a notice in writing of the assignment to be given to the Office Commanding the cantonment, with full particulars, within three calendar months.

Notice of assignments.

(viii) The monthly rent should be limited to a sum equal to one-twelfth part of a sum equivalent to Rs. 15 per cent. per annum on the *bonâ fide* value of the building to be certified by the local Engineer officer.

Amount of rent.

(ix) To officers the monthly rent to be limited to, and in no case to exceed, either the said sum, or the sum of hundred rupees, whichever of the said sums shall be least in amount; the meaning being that no more than one hundred rupees a month as rent can be demanded, although the *bonâ fide* value of the building may be more.

Rent to officers not to exceed Rs. 100.

(x) If at any time the tenant, being a military officer, shall consider the rent to exceed the amount mentioned in the foregoing clause, and if the Engineer certify to that effect, the lessee should reduce the rent to what the Engineer shall fix.

Reduction of rent.
N. B.—This is not intended to do away with the assembly of a house-board.

(xi) If at any time it is desired to let or sell, the preference should be given to military officers of the cantonment over anybody else.

Priority of military officers as to hiring or buying.

(xii) If the house is required for the residence of any of the officers of the cantonment, notice in writing to be given to the owner, and, after thirty days, the house should be vacated for occupation by such officer.

Vacation in favour of military officer.

(xii) If the Government require the land at any time, it should be restored on payment of the fair value of the buildings to be fixed *by the Engineer*. If dissatisfied with this value, the amount to be fixed by Government, which decision will be final.

Resumption of land.

(xiv) The lessee to conform to and obey all present and prospective orders and regulations of Government.

Government orders to be obeyed.

(xv) If the annual rent to Government is not paid within thirty days after the due date, or if the lessee become bankrupt or insolvent, and if there is any execution out against the lessee where the lease shall be seized, or in case of the breach or non-performance of any of the conditions contained in the lease, it shall be lawful for the Government to obtain re-possession of the premises on payment of their value.*

Resumption of land for default.

(xvi) If the ground is not built upon, or brought into use for the purpose specified, within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.

Cancellation of lease within twelve months.

Page 226.

1288. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual.

No grant in perpetuity.

It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Rejection of application for grant.

With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.

Certificate by Commanding Officer.

Page 226.

1289. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government Grants, who is to return them, without delay, with his counter-signature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty.

Registration of grants.

Scale of land allowed to officers.

The proportion of land allowed to officers of the army requiring it is as follows:—

Field officers*	22,500	square yards.
Captains	12,000	ditto.
Subalterns	7,000	ditto.

Although the above is to be considered the usual scale, yet it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale.

Page 226.

1290. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for a house-board. Should the Board be of the same opinion, the Engineer of the division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant. The Engineer will be guided by his departmental rules in making the estimate, taking into consideration the valuation of the materials composing each building, its state of repair, accommodation and general convenience.

House-board for settlement of rent.

Valuation of house by Engineer.

Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make.

Reduction of rent to 15 per cent.

* Quit-rent is not charged in Burma.

The proceedings of the Board and estimate of the Engineer will be forwarded through the channel above prescribed to the Quarter Master General, and eventually, if necessary, to Government.

Submission of proceedings to Quarter Master General.

Cancellation of lease for overcharge of rent.

1291. In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled. Page 227.

House-board for repairs.

Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision, and the *bonâ fide* cost deducted from the rent.

Buildings on land of which no grant made.

1292. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so. Page 227.

Sanction required to building.

1293. No building of any kind is to be erected in a cantonment without the sanction of the Commander-in-Chief, which must be applied for, through the station and divisional authorities, to the Quarter Master General. This applies to public departmental buildings as well as all others. Every application should state clearly the description and size of the building it is proposed to erect, and the purpose for which it is required, and should be accompanied by a sketch of the proposed site showing the buildings and roads, etc., in its immediate vicinity. Page 227.

Plan of site.

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Regulations and Orders for the Army of the Madras Presidency, 1876.

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SECTION 18.—CANTONMENTS

* * * * * * * *

I.—GENERAL RULES.

* * * * * * * *

Military character of cantonments.

Priority of claim of military men to houses.

2046. A military cantonment is as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, European and East Indian subordinates, and their families, for whom houses situated within such limits are by priority of right available. Page 326.

Civilians permitted to reside in cantonments.

This rule, however, is not to interfere with gentlemen of the Covenanted Civil Service as regards the houses usually occupied by them in military cantonments.

Regimental officers to live near their lines.

2047. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will therefore be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments, so as to bring all stations under the above arrangement in course of time. Page 327.

Staff Officers.

Staff Officers may be allowed to live in any part of a cantonment.

Claims of civilians to houses.

Officers, Public Works and other Departments.

European and East Indian subordinates, etc., in the Civil or Public Works Department.

Missionaries and other residents.

2048. Other claims for house-accommodation noted in the margin for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But these gentlemen cannot retain any house that may be absolutely required for an officer of the military force at the station. Page 327.

Houses to which Regulations 2046 to 2048 apply.

2049. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station. Page 327.

Houses built on land not the property of Government, or held on freehold tenure, or occupied as shops, are exempt from this liability.

Exemption of houses on private land and shops.

Page 327.

2050. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required.

Compulsory transfer of house to officer.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shewn to the occupant whose removal on public grounds is rendered necessary.

Precautions in requiring change of tenants.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it; and other quarters should be provided for the person, if removed as above, whenever practicable.

Page 327.

2051. The limits of every military cantonment are to be clearly defined, boundary stones or pillars being erected where there are no well-marked natural boundaries.

Boundaries.

A plan of each cantonment on a scale sufficiently large to show every building in it is to be kept in the office of the divisional Quarter Master General or Station Staff Officer.

Record of plans.

Page 327.

2052. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries or assigned limits are to be thrown down and the ruins removed at the expense of the proprietor.

Boundary-marks for bazars and villages.

Removal of buildings erected beyond boundaries.

Page 328.

2053. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department

Alteration of boundaries.

Page 328.

2054. When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

Transfer of surplus land to civil authorities.

Page 328.

2055. A register of houses occupied and vacant, showing the rent of each, is to be kept in the Station Staff Office, alterations being made in it from time to time; and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience.

Register of houses and rents.

Sanction required to occupation of house by civilian.

Page 328.

2056. In order that the number of dwelling-houses in a cantonment available for civil and military officers and officers of public departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for his own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops will not be liable to be registered as dwelling-houses unless the owners wish it or His Excellency the Commander-in-Chief may consider it absolutely necessary.

Sanction required to conversion of house into shop, etc.

Registration of shop as dwelling-house.

Page 328.

2057. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules as regards the rental of houses and allotment of officers in the cantonment are to have equal effect.

Application of rules to British cantonments in foreign territory.

Exemption of Bangalore. Bangalore is specially exempted from the operation of these rules.

Kamptee and Cuttack are under the Bengal cantonment rules.

2058. In ordinary cases the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division or district, and, if necessary, they may be submitted for the orders of the Commander-in-Chief, those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government. Page 328.

Appeal.

* * * * * * * *

2068. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General. Page 330.

Officer to perform duties connected with lands and boundaries.

II.—GRANTS OF LAND.

Form of application for land.

2069. Application for grants of land within the limits of cantonments or fortresses will be made in the first instance to the Officer Commanding the station in the following form. Page 330.

No grants of land will be made except for the purpose of erecting thereon officers' quarters or shops for the convenience of residents. It will be the duty of the Officer Commanding the station to see that this purpose is fulfilled.

Grants only for officers' quarters or shops.

Form

To

The Officer Commanding

(Station).

SIR,

I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described :—

Situation of the ground.	Since when enclosed.	Title under which it is held, and whether the property of Government or of individuals.	Extent of the ground. Square yards.	Nature of the soil.	How laid out, and whether buildings upon it.	Bounded on the North by	South by	East by	West by

[Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or Military work.]

Certificate by Commanding Officer.

I am,
SIR,

Your most obedient servant,

5 w

Page 331.

2070. The Officer Commanding the station, having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also that it does not encroach on or interfere with any public road, parade or military work, will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts, and what rent has hitherto been assessed on it. He will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division, district or force, to the Quarter Master General, by whom it will be submitted for the consideration of the Commander-in-Chief.

Duties of Commanding Officer.

Enquiry as to assessment, &c., of Government land.

Plan of site.

Lease.

In the event of its being sanctioned, a lease will be prepared by the Quarter Master General containing the following condions :—

Term and renewal.

(i) To hold the lease for fifty years, renewable at the end of every ten years, at the option of Government.

Ground-rent.
Maintenance.

(ii) To pay a yearly ground-rent; to well and sufficiently repair, maintain, amend and keep the premises and appurtenances in such good and substantial repair as is necessary for the occupation of a tenant at rack-rent; to scour and cleanse all drains and water-courses belonging to the premises, and keep the same free from obstruction; to remove from the premises and keep the same free from prickly-pear and aloe and all causes of malaria; hedges to be of a height not exceeding four feet from the level of the public road in front of, or leading to, the premises; to lop, and keep lopped, the branches of all trees, present and future, which shall grow lower than six feet from the ground.

Government claim to house.

(iii) The premises, although maintained in the above order, to be given to Government at any time if required.

Inspection.

(iv) The premises to be open to the Government authorities to take plans and examine the condition thereof.

Requirements to be supplied.

(v) All or parts of requirements, if found necessary, to be supplied, notice of which in writing to be left at the premises, to be attended to by the lessee within three calendar months.

Protection of Government and tenants.

(vi) Not to do or willingly cause or suffer any act or thing to be done in or upon the premises to the annoyance, grievance, damage or disturbance of Government or their tenants.

Notice of assignment.

(vii) On assigning the premises to another, a notice in writing of the assignment to be given to the Officer Commanding the cantonment, with full particulars, within three calendar months.

Amount of rent.

(viii) The monthly rent should be limited to a sum equal to one-twelfth part of a sum equivalent to Rs. 15 per cent. per annum on the *bonâ fide* value of the building to be certified by the local Engineer officer.

Rent to officers not to exceed Rs. 100.

(ix) To officers the monthly rent to be limited to, and in no case to exceed, either the said sum or the sum of one hundred rupees, whichever of the said sums shall be least in amount; the meaning being that no more than one hundred rupees a month as rent can be demanded, although the *bonâ fide* value of the building may be more.

Reduction of rent.

(x) If at any time the tenant, being a military officer, shall consider the rent to exceed the amount mentioned in the foregoing clause, and if the Engineer certify to that effect, the lessee should reduce the rent to what the Engineer shall fix.

N. B.—This is not intended to do away with the assembly of a house-board.

(xi) If at any time it is desired to let or sell, the preference should be given to military officers of the cantonment over anybody else.

Priority of military officers as to hiring or buying.

(xii) If the house is required for the residence of any of the officers of the cantonment, notice in writing to be given to the owner, and, after thirty days, the house should be vacated for occupation by such officer.

Vacation in favour of military officer.

(xiii) If the Government require the land at any time, it should be restored on payment of the fair value of the buildings to be fixed *by the Engineer*. If dissatisfied with this value, the amount to be fixed by Government, which decision will be final.

Resumption of land.

(xiv) The lessee to conform to and obey all present and prospective orders and regulations of Government.

Government orders to be obeyed.

(xv) If the annual rent to Government is not paid within thirty days after the due date, or if the lessee become bankrupt or insolvent, and if there is any execution out against the lessee where the lease shall be seized, or in case of the breach or non-performance of any of the conditions contained in the lease, it shall be lawful for the Government to obtain repossession of the premises on payment of their value.*

Resumption of land for default.

* Quit-rent is not charged in Burma.

(xvi) If the ground is not built upon or brought into use for the purpose specified within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.

Cancellation of lease within twelve months.

2071. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual. Page 332.

No grant in perpetuity.

It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Rejection of application for grant.

With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.

Certificate by Commanding Officer.

2072. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government grants, who is to return them without delay, with his countersignature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty. Page 333.

Registration of grants.

The proportion of land allowed to officers of the army requiring it is as follows :—

Scale of land allowed to officers.

Field officers	22,500 square yards.
Captains	12,000 ditto.
Subalterns	7,000 ditto.

Although the above is to be considered the usual scale, yet it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale.

2073. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for house-board. Should the house-board be of the same opinion, the Engineer of the Page 333.

House-board for settlement of rent.

division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant. The Engineer will be guided by his departmental rules in making the estimate, taking into consideration the valuation of the materials composing such building,* its state of repair, accommodation and general convenience.

Valuation of house by Engineer.

* *i e.*, value of materials and labour at the time such building was erected.

Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make.

Reduction of rent to 15 per cent.

The proceedings of the Board and estimate of the Engineer will be forwarded, through the channel above prescribed, to the Quarter Master General, and eventually, if necessary, to Government.

Submission of proceedings to Quarter Master General.

Page 333. 2074. In the event of the house-owner refusing to lower his rent according to terms of his lease, he will be liable to have it cancelled.

Cancellation of lease for overcharge of rent.

Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision and the *bonâ fide* cost deducted from the rent.

House-board for repairs.

Page 333. 2075. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Buildings on land of which no grant made.

Page 333. 2076. No building of any kind is to be erected in a cantonment without the sanction of the Commander-in-Chief, which must be applied for, through the station and divisional authorities, to the Quarter Master General. This applies to public departmental buildings as well as all others. Every application should state clearly the description and size of the building it is proposed to erect, and the purpose for which it is required; and should be accompanied by a sketch of the proposed site showing the buildings and roads, etc., in its immediate vicinity.

Sanction required to building.

Plan of site.

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Army Regulations, India, 1887.

VOLUME II, PART III.

DISCIPLINE.

* * * * * * *

SECTION XVII.—CANTONMENTS.

I.—General Rules. II.—Grants of Lands.

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I.—General Rules.

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MADRAS.

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Page 477. 1971. A military cantonment is, as its designation implies, a locality the military limits of which have been defined under the authority of Government, and which is set apart primarily for military

Military character of cantonments.

and medical officers, chaplains, soldiers, European and East Indian subordinates and their families, for whom houses situated within such limits are by priority of right available.

Priority of claim of military men to houses.

This rule, however, is not to interfere with gentlemen of the Covenanted Civil Service as regards the houses usually occupied by them in military cantonments.

Civilians permitted to reside in cantonments.

1972. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will, therefore, be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments so as to bring all stations under the above arrangement in course of time. Page 477.

Regimental officers to live near their lines.

Staff Officers.

Staff Officers may be allowed to live in any part of a cantonment.

1973. Other claims for house-accommodation noted in the margin* for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But these gentlemen cannot retain any house that may be absolutely required for an officer of the military force at the station. Page 478.

Claim of civilians to houses.

*Officers, Public Works and other Departments.
Officials of the Government Telegraph Department when the main telegraph office lies within cantonment limits.†
European and East Indian subordinates, etc., in the Civil or Public Works Department.
Missionaries and other residents.

1974. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station. Page 478.

Houses to which regulations 1971 to 1973 apply.

Exemption of houses on private land and shops.

Houses built on land not the property of Government, or held on freehold tenure or occupied as shops, are exempt from this liability.

1975. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required. Page 478.

Compulsory transfer of house to officer.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shown to the occupant whose removal on public grounds is rendered necessary.

Precautions in requiring change of tenants.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it, and other quarters should be provided for the person, if removed as above, whenever practicable.

1976. The limits of every military cantonment are to be clearly defined, boundary stones or pillars being erected where there are no well-marked natural boundaries. Page 478.

Boundaries.

A plan of each cantonment on a scale sufficiently large to show every building in it is to be kept in the office of the Quarter Master General and that of the divisional Quarter Master General or Station Staff Officer.

Record of plans.

1977. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries or assigned limits are to be thrown down, and the ruins removed at the expense of the proprietor.

Boundary marks for bazars and villages.
Removal of buildings erected beyond boundaries.

† These officials were afterwards added by G. O. No. 41 of 1890.

Page 478. 1978. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department.

Alteration of boundaries.

Page 478. 1979. When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

Transfer of surplus land to civil authorities.

Page 478. 1980. A register of houses occupied and vacant, showing the rent of each, is to be kept in the station staff office, alterations being made in it from time to time, and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience.

Register of houses and rents.
Sanction required to occupation of house by civilian.

Page 479. 1981. In order that the number of dwelling-houses in cantonments available for civil and military officers, and officers of Public Departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for its own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops will not be liable to be registered as dwelling-houses unless the owners wish it, or His Excellency the Commander-in-Chief may consider it absolutely necessary.

Sanction required to conversion of house into shop, etc.
Registration of shop as dwelling-houses.

age 479. 1982. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules as regards the rental of houses and allotment of officers in the cantonment are to have equal effect.

Application of rules to British cantonments in foreign territory.

Bangalore is specially exempted from the operation of these rules.

Exemption of Bangalore.

Kamptee and Cuttack are under the Bengal cantonment rules.

Page 479. 1983. In ordinary cases the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division or district, and, if necessary, they may be submitted for the orders of the Commander-in-Chief, those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government.

Appeal.

* * * * * * * *

Page 480. 1993. All matters connected with cantonment lands and boundaries will be conducted under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General.

Officer to perform duties connected with lands and boundaries.

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II.—Grants of Land.

* * * * * * * * *

MADRAS.

Page 482. 2000. Applications for grants of land within the limits of cantonments or fortresses will be made in the first instance to the Officer Commanding the station, in the following form.

Form of application for land.

Grants only for officers' quarters or shops.

No grants of land will be made except for the purpose of erecting thereon officers' quarters or shops for the convenience of residents. It will be the duty of the Officer Commanding the station to see that this purpose is fulfilled.

Form.

To

The Officer Commanding

(*Station.*)

SIR,

I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described :—

Situation of the ground.	Since when enclosed.	Title under which it is held, and whether the property of Government or of individuals.	EXTENT OF THE GROUND. Square yards.	Nature of the soil.	How laid out, and whether buildings upon it.	BOUNDED ON THE North by	South by	East by	West by

Certificate by Commanding Officer.

(Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or military work.)

I am,

SIR,

Your most obedient servant,

2001. The Officer Commanding the station, having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also that it does not encroach on or interfere with any public road, parade or military work, will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts, and what rent has hitherto been assessed on it. He will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division, district or force, to the Quarter Master General, by whom it will be submitted for the consideration of the Commander-in-Chief. Page 483.

Duties of Commanding Officer.

Enquiry as to assessment, etc., of Government land.

Plan of site.

In the event of its being sanctioned, a lease will be prepared by the Quarter Master General containing the following conditions :—

Lease.

(i) To hold the lease for fifty years, renewable at the end of every ten years, at the option of Government.

Term and renewal.

(ii) To pay a yearly ground-rent* as per Collector's valuation ; to well and sufficiently repair, maintain, amend and keep the premises and appurtenances in such good and substantial repair as is necessary for the occupation of a tenant at rack-rent ; to scour and cleanse all drains and water-courses belonging to the premises, and keep the same free from obstruction ; to remove from the premises and keep the same free from prickly-pear and aloe, and all causes of malaria ; hedges to be of a height not exceeding four feet from the level of the public road in front of, or leading to, the premises ; to lop, and keep lopped, the branches of all trees, present and future, which shall grow lower than six feet from the ground.

Ground-rent.
Maintenance.

* Quit-rent is not charged in Rangoon, Tonghoo and Thayetmyo ; but in Moulmein this yearly payment is levied by the civil authorities under the denomination either of quit-rent or house-tax.

(iii) The premises, although maintained in the above order, to be given to Government at any time if required.

Government claim to house.

(iv) The premises to be open to the Government authorities to take plans and examine the condition thereof.

Inspection.

(v) All or parts of requirements, if found necessary, to be supplied, notice of which in writing to be left at the premises, to be attended to by the lessee within three calendar months.

Requirements to be supplied.

(vi) Not to do or willingly cause or suffer any act or thing to be done in or upon the premises to the annoyance, grievance, damage or disturbance of Government or their tenants.

Protection of Government and tenants.

(vii) On assigning premises to another, a notice in writing of the assignment to be given to the Officer Commanding the cantonment, with full particulars, within three calendar months.

Notice of assignment.

(viii) The monthly rent should be limited to a sum equal to one-twelfth part of a sum equivalent to Rs. 15 per cent. per annum on the *bonâ fide* value of the building to be certified by the local Engineer officer.

Amount of rent.

(ix) To officers the monthly rent to be limited to, and in no case to exceed, either the said sum or the sum of one hundred rupees, whichever of the said sums shall be least in amount ; the meaning being that no more than one hundred rupees a month as rent can be demanded, although the *bonâ fide* value of the building may be more.

Rent to officers not to exceed Rs. 100.

(x) If at any time the tenant, being a military officer, shall consider the rent to exceed the amount mentioned in the foregoing clause, and if the Engineer certify to that effect, the lessee should reduce the rent to what the Engineer shall fix.

Reduction of rent.

N.B.—This is not intended to do away with the assembly of a house-board.

(xi) If at any time it is desired to let or sell, the preference should be given to military officers of the cantonment over anybody else.

Priority of military officers as to hiring or buying.

(xii) If the house is required for the residence of any of the officers of the cantonment, notice in writing to be given to the owner, and, after thirty days, the house should be vacated for occupation by such officer.

Vacation in favour of military officer.

(xiii) If the Government require the land at any time, it should be restored on payment of the fair value of the buildings to be fixed *by the Engineer*. If dissatisfied with this value, the amount to be fixed by Government, which decision will be final.

Resumption of land.

(xiv) The lessee to conform to and obey all present and prospective orders and regulations of Government.

Government orders to be obeyed.

(xv) If the annual rent to Government is not paid within thirty days after the due date, or if the lessee become bankrupt or insolvent, and if there is any execution out against the lessee where the lease shall be seized, or in case of the breach or non-performance of any of the conditions contained in the lease, it shall be lawful for the Government to obtain repossession of the premises on payment of their value.

Resumption of land for default.

(xvi) If the ground is not built upon or brought into use for the purpose specified within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.

Cancellation of lease within twelve months.

2002. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual. Page 485.

No grant in perpetuity.

It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Rejection of application for grant.

With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.

Certificate by Commanding Officer.

2003. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government Grants, who is to return them without delay, with his counter-signature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty. Page 485.

Registration of grants.

Scale of land allowed to officers.

The proportion of land allowed to officers of the army requiring it is as follows :—

Field officers	22,500	square yards.
Captains	12,000	ditto.
Subalterns	7,000	ditto.

Although the above is to be considered the usual scale, yet it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale.

2004. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for a house-board. Should the house-board be of the same opinion, the Engineer of the division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant. The Engineer will be guided by his departmental rules in making the estimate, taking into consideration the valuation of the materials composing each building,* its state of repair, accommodation and general convenience. Page 485.

House-board for settlement of rent.

Valuation of house by Engineer.

Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make.

Reduction of rent to 15 per cent.

The proceedings of the Board and estimate of the Engineer will be forwarded, through the channel above prescribed, to the Quarter Master General, and eventually, if necessary, to Government.

Submission of proceedings to Quarter Master General.

2005. In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled. Page 486.

Cancellation of lease for overcharge of rent.

* That is, value of materials and labour at the time such building was erected.

Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense to be incurred. The house will be repaired agreeably to its decision and the *bonâ fide* cost deducted from the rent.

House-board for repairs.

Page 486.

2006. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding, but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Buildings on land of which no grant made.

Page 486.

2007. No building of any kind is to be erected in a cantonment without the sanction of the Commander-in-Chief, which must be applied for through the station and divisional authorities, to the Quarter Master General. This applies to Public Departmental buildings as well as all others.

Sanction required to building.

Every application should state clearly the description and size of the building it is proposed to erect, and the purpose for which it is required; and should be accompanied by a sketch of the proposed site showing the buildings and roads, etc., in its immediate vicinity.

2007A. No old roads in cantonments are to be closed or new ones opened without the sanction of the Commander-in-Chief.*

Closing or opening of roads.

* * * * * * * *

* Paragraph 2007A was added by G. G. O. No. 9 of 1888.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL, 21, 1898.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Report of the Select Committee on the Bill to shorten the language of Acts and for other matters, was presented to the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations on the 15th April 1898:—

REPORT OF SELECT COMMITTEE ON THE PUNJAB GENERAL CLAUSES BILL, 1897.

WE, the undersigned, Members of the Select Committee to which the Bill to shorten the language of Acts and for other matters was referred, have considered the Bill and the suggestions communicated in the letter of the Secretary to the Government of India in the Legislative Department, No. 273, dated the 10th February 1898, and have the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.

1. *Clause* 1.—The year "1897" has been altered to "1898."

2. *Clause* 2.—The words "and Regulations" have been omitted as being inapplicable.

3. *Clause* 2 (1) *to* (7).—We have, in order to make the Bill complete in itself, inserted in full, with certain necessary modifications, definitions of all the terms contained in the General Clauses (India) Act, 1897, which are referred to in Clause 2 (1) of the Bill as introduced in the Council.

The definition of the term "Advocate," given in Clause 2 (7) of the Bill, has been omitted as being unnecessary.

The definitions have been arranged in alphabetical order and numbered (1) to (60).

4. Of the definitions contained in Section 3 of the India Act, we have omitted the definitions of the expressions "Bengal Act," "Bombay Act," "High Court," "Madras Act," "North-Western Provinces Act," "Presidency Town" and "Regulation," as such expressions are unlikely to be used in a Punjab Act.

5. Besides the expressions "India Act," "Punjab Act" and "Punjab," defined in the Bill as introduced in Council, we have added definitions of the following expressions, namely—"Chief Court," "Deputy Commissioner," "Financial Commissioner," "Gazette" and "Notification," as we consider them to be necessary.

6. The following remarks will explain the modifications made in the definitions contained in Clause 2 of the Bill as amended by us:—

Clause 2, *sub-clause* (7)—"Chapter"—The word "Punjab" has been inserted in the definition of this term, before the word "Act," and the words "or Regulation" have been omitted.

" " " (8)—The expression "Chief Court" has been defined.

" " " (9)—"Collector"—The definition of this expression given in Clause 2 (5) of the Bill as introduced in Council, has been modified by substituting for the words "in the Punjab" the words "and shall include a Deputy Commissioner."

" " " (11)—"Commencement."—In the definition of this term, the words "a Punjab" have been substituted for the word "an," and the words "or Regulation," in both places in which they occur, have been omitted.

" " " (12)—"Commissioner"—The definition of this expression given in Clause 2 (6) of the Bill as introduced in Council, has been modified by the insertion of the words "and general" after the word "revenue," and by the omission of the last three words. In the Punjab, the term "Commissioner" means the chief officer of both the revenue and general administration of a division.

" " " (14)—The expression "Deputy Commissioner" has been defined.

" " " (15)—The expression "District Judge" is defined to mean the "Judge of a District Court" and to include "a principal Civil Court of original jurisdiction in a district."

Clause 2, *sub-clause* (17)—The expression "enactment" is defined so as to include "any provision contained in any Punjab Act."

" " " (19)—The expression "Financial Commissioner" has been defined.

" " " (21)—The expression "Gazette" has been defined.

" " " (29)—"India Act"—The last six words of the definition of this expression given in Clause 2 (2) of the Bill as introduced in Council, have been omitted as being unnecessary.

" " " (31)—The expression "Local Government" has been defined as meaning the "Lieutenant-Governor of the Punjab."

" " " (36)—The expression "Notification" has been defined.

" " " (39)—"Part"—The word "Punjab" has been inserted before the word "Act" in the definition of this term, and the words "or Regulation" have been omitted from that definition.

" " " (45)—"Punjab"—The words "and include all" have been omitted from the definition of this term given in Clause 2 (4) of the Bill as introduced in Council.

" " " (46)—"Punjab Act"—The last seven words of the definition given in Clause 2 (3) of the Bill as introduced in Council, have been omitted.

" " " (49)—"Schedule"—In the definition of this term the word "Punjab" has been inserted before the word "Act," and the words "or Regulation" have been omitted.

" " " (51)—"Section"— Ditto.

7. *Clause* 3.—For the last eight words of this clause of the Bill as introduced in Council, we have substituted the following :—

"the assent of the Governor-General is first published by the Lieutenant-Governor in pursuance of Sections 40 and 48 of the Indian Councils Act, 1861, and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act."

8. *Clauses* 5, 6, 7, 8 *and* 9.—The words "or Regulation," wherever they occur in the Bill as introduced in Council, have been omitted.

9. *Clause* 10.—We have inserted Section 12 of the General Clauses (India) Act, 1897, as Clause 10 of the Bill as suggested by the Government of India. The numbering of the following clauses has been altered accordingly.

10. *Clause* 11.—The words "and Regulations," where they occur in the corresponding Clause (10) of the Bill as introduced in Council, have been omitted.

11. *Clause* 12.—The words "or Regulation," where they occur in the corresponding Clause (11) of the Bill as introduced in Council, have been omitted. The word "Local" has been substituted for the word "Punjab" before the word "Government" in the same clause.

12. *Clauses* 13, 14, 15, 16, 17, 18, 19 and 20 correspond with Clauses 12, 13, 14, 15, 16, 17, 18 and 19, respectively, of the Bill as introduced in Council. The words "or Regulation," wherever they occur in the latter clauses, have been omitted.

13. *Clause* 21.—The words "or Regulation," wherever they occur in the corresponding Clause (20) of the Bill as introduced in Council, have been omitted. In sub-clause (2) of this clause, the words "Local Government" have been substituted for the words "Lieutenant-Governor of the Punjab" contained in this clause of the Bill as introduced in Council.

14. *Clause* 22.—The words "or Regulation," wherever they occur in the corresponding Clause (21) of the Bill as introduced in Council, have been omitted.

15. *Clauses* 23, 25 *and* 26.—The words "or Regulation," wherever they occur in the corresponding clauses (22, 23 and 24, respectively) of the Bill as introduced, have been omitted.

16. *Clause* 24.—We have inserted Section 26 of the General Clauses (India) Act, 1897, as Clause 24 of the Bill for the reason given in paragraph 9. The number of the following clauses has been altered accordingly.

17. The publication ordered by the Council was made in the *Punjab Government Gazette* of the 11th November 1897.

18. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

L. W. DANE.
W. H. RATTIGAN.
MADAN GOPAL.

LAHORE:
The 26*th March* 1898.

BILL No. I OF 1897.

(As amended by the Select Committee.)

A Bill to shorten the language of Acts and for other matters.

WHEREAS it is expedient to shorten the language used in Acts made by the Lieutenant-Governor of the Punjab in Council, and to make certain provisions for the construction of and other matters relating to such Acts:

It is hereby enacted as follows:—

Preliminary.

ctX of 1897, 1.

Short title and commencement.

1. (1) This Act may be called the Punjab General Clauses Act, 1898; and

(2) It shall come into force at once.

General Definitions.

tX of 1897, 3.

Definitions.

2. In this Act, and in all Acts of the Lieutenant-Governor of the Punjab in Council, unless there is anything repugnant in the subject or context,—

"Abet."

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

LV of ...io.

"Act."

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"British India."

(5) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"British possession."

(6) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession:

"Chapter."

(7) "Chapter" shall mean a Chapter of the Punjab Act in which the word occurs:

"Chief Court."

(8) "Chief Court" shall, for the purpose of all Punjab Acts for the time being in force, mean the Chief Court of the Punjab or the highest Court of original, appellate or revisional jurisdiction in the Punjab:

"Collector."

(9) "Collector" shall mean the chief officer in charge of the revenue administration of a district, and shall include a Deputy Commissioner:

"Colony."

(10) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony:

"Commencement."

(11) "commencement," used with reference to a Punjab Act, shall mean the day on which the Act comes into force:

"Commissioner."

(12) "Commissioner" shall mean the chief officer in charge of the revenue and general administration of a division:

(13) "consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul, and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent:

"Consular officer."

(14) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district:

"Deputy Commissioner."

(15) "District Judge" shall mean the Judge of a District Court and shall include a principal Civil Court of original jurisdiction in a district:

"District Judge."

(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:

"Document."

(17) "enactment" shall include any provision contained in any Punjab Act:

"Enactment."

(18) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father:

"Father."

(19) "Financial Commissioner" shall mean the Financial Commissioner of the Punjab for the time being:

"Financial Commissioner."

(20) "financial year" shall mean the year commencing on the first day of April:

"Financial year."

(21) "Gazette" shall mean the *Punjab Gazette* published under the authority of the Lieutenant-Governor of the Punjab:

"Gazette."

(22) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Good faith."

(23) "Government" or "the Government" shall include the Local Government as well as the Government of India:

"Government."

(24) "Government of India" shall mean the Governor-General in Council or, during the absence of the Governor-General from his Council, the President in Council, or the Governor-General alone, as regards the powers which may be lawfully exercised by them or him respectively:

"Government of India."

(25) "Her Majesty" or "the Queen" shall include Her successors:

"Her Majesty" or "the Queen."

(26) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

"Immoveable property."

(27) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: XLV of 18[illegible]

"Imprisonment."

(28) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India:

"India."

(29) "India Act" shall mean an Act made by the Governor-General of India in Council:

"India Act."

(30) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

"Local authority."

(31) "Local Government" shall mean the Lieutenant Governor of the Punjab:

"Local Government."

(32) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: X of 188[illegible]

"Magistrate."

(33) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship:
"Master" (of a ship).

(34) "month" shall mean a month reckoned according to the British calendar:
"Month."

(35) "moveable property" shall mean property of every description, except immoveable property:
"Moveable property."

(36) "notification" shall mean a notification published under proper authority in the Gazette:
"Notification."

(37) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:
"Oath."

(38) "offence" shall mean any act or omission made punishable by any law for the time being in force:
"Offence."

(39) "Part" shall mean a Part of the Punjab Act in which the word occurs:
"Part."

(40) "person" shall include any company or association or body of individuals, whether incorporated or not:
"Person."

(41) "Political Agent" shall include—
"Political Agent."

(*a*) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(*b*) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition:

(42) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council:
"Privy Council."

(43) "Province" shall mean the territories for the time being administered by any Local Government:
"Province."

(44) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: XLV of 1860.
"Public nuisance."

(45) "Punjab" shall mean the territories for the time being administered by the Lieutenant-Governor of the Punjab:
"Punjab."

(46) "Punjab Act" shall mean an Act made by the Lieutenant-Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892:
"Punjab Act."

(47) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents:
"Registered."

(48) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment:
"Rule."

(49) "schedule" shall mean a schedule to the Punjab Act in which the word occurs:
"Schedule."

(50) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874: XIV of 1874.
"Scheduled District."

(51) "section" shall mean a section of the Punjab Act in which the word occurs:
"Section."

(52) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars:
"Ship."

(53) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions:
"Sign."

(54) "son," in the case of any one whose personal law permits adoption, shall include an adopted son : "Son."

(55) "sub-section" shall mean a sub-section of the section in which the word occurs : "Sub-section."

(56) "swear," with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing : "Swear."

(57) "vessel" shall include any ship or boat or any other description of vessel used in navigation : "Vessel."

(58) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property : "Will."

(59) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form : and "Writing."

(60) "year" shall mean a year reckoned according to the British calendar. "Year."

General Rules of Construction.

Act X of 1897, s. 5. Bombay Act X of 1866, s. 7.

Coming into operation of enactments.

3. Where any Punjab Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which the assent of the Governor-General is first published by the Lieutenant-Governor in pursuance of Sections 40 and 48 of the Indian Council's Act, 1861, and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act.

Act X of 1897, s. 6.

Effect of repeal.

4. Where this Act or any Punjab Act repeals any enactment, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*b*) affect the previous operation of any enactment so repealed or any thing duly done or suffered thereunder ; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

Act X of 1897, s. 7.

Revival of repealed enactments.

5. In any Punjab Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Act X of 1897, s. 8.

Construction of references to repealed enactments.

6. Where this Act, or any other Punjab Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Act X of 1897, s. 9.

Commencement and termination of time.

7. In any Punjab Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

Act X of 1897, s. 10.

Computation of time.

8. Where, by any Punjab Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Act XV of 1877.

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, applies.

Act X of 1897, s. 11.

Measurement of distances.

9. In the measurement of any distance, for the purposes of any Punjab Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Act X of 1897, s. 12.

Duty to be taken *pro rata* in enactments.

10. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Act X of 1897, s. 13.

Gender and number.

11. In all Punjab Acts, unless there is anything repugnant in the subject or context,—

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and *vice versâ*.

Powers and Functionaries.

Act X of 1897, s. 14.

Powers conferred on the Government to be exercisable from time to time.

12. Where, by any Punjab Act, any power is conferred on the Local Government, then that power may be exercised from time to time as occasion requires.

Act X of 1897, s. 15.

Power to appoint to include power to appoint *ex officio*.

13. Where, by any Punjab Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

Act X of 1897, s. 16.

Power to appoint to include power to suspend or dismiss.

14. Where, by any Punjab Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Act X of 1897, s. 17 (1).

Substitution of functionaries.

15. In any Punjab Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

Act X of 1897, s. 18 (1).

Successors.

16. In any Punjab Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Act X of 1897, s. 19 (1).

Official chiefs and subordinates.

17. In any Punjab Act, it shall be sufficient, fot the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

Provisions as to Orders, Rules, etc., made under Enactments.

Act X of 1897, s. 20.

Construction of orders, etc., issued under enactments.

18. Where, by any Punjab Act, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Act X of 1897, s. 21.

Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.

19. Where, by any Punjab Act, a power to make orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Act X of 1897, s. 22.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

20. Where, by any Punjab Act which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

Act X of 1897, s. 23.

Provisions applicable to making of rules or bye-laws after previous publication.

21. Where, by any Punjab Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise provides, the following provisions shall apply, namely:—

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Act X of 1897, s. 24.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

22. Where any Punjab Act is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed Act, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

XLV of 1860.

Act X of 1897, s. 25.

Recovery of fines.

23. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any Act, rule or bye-law, unless the Act, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

24. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence. Act X 1897, s. 26.

Meaning of service by post.

25. Where any Punjab Act authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post. Act X of 1897, s. 27.

Citation of enactments.

26. (1) In any Punjab Act, and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained. Act X of 1897, s. 28.

(2) In any Punjab Act a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

L. W. DANE.
W. H. RATTIGAN.
MADAN GOPAL.

LAHORE:
The 15th April 1898.

E. W. PARKER,
Secretary to the Legislative Council of the Punjab.

DIEU ET MON DROIT.

HONI SOIT QUI MAL Y PENSE

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[First publication.]

BILL No. I OF 1898.

(*As introduced in Council on 1st November* 1898.)

A Bill to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Title.

AN Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands;

Short title, extent and commencement.

1. It is hereby enacted as follows:—

(1) This Act may be called the Punjab Riverain Boundaries Act, 1899;

(2) It extends to the whole of the Punjab; and

(3) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely:— India : Act XVII of 1887.

"Power to fix boundary between estates."

"101 A. (*1*) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary accordingly as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action. Cf. Regulation XI of 1825, Section 2.

(*2*) Upon an order being made under sub-section (*1*), the Collector or any Revenue Officer appointed by the Local Government for the purpose, shall, subject to the approval of the Financial Commissioner, fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(*3*) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights

therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"101 B. (1) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the proprietors of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate, respectively, is situate:

"Effect of fixing a boundary between estates: Proviso."

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation, or is reasonably fit for cultivation, or yields any produce of substantial value, would be transferred from the proprietors of any one estate to the proprietors of any other estate, the Collector or other Revenue Officer appointed as aforesaid shall, by written order, direct that the rights in such land shall, subject to the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the whole or any compact portion of the land, in respect of which any such order is made, ceases to be cultivated, or to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly.

(2) The decision of the Collector, or other Revenue Officer appointed as aforesaid as to whether any land is or is not, for the purposes of sub-section (1) of this section, under cultivation, or reasonably fit for cultivation, or does or does not yield any produce of substantial value, shall be final."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the proprietors (or any of them) of the estate in which, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector, or other Revenue officer appointed as aforesaid, in the order hereinafter specified, namely—

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

Firstly—the proprietors of the estate jointly; *Cf.* Section 12 of India Act IV of 1872.

Secondly—the proprietors of any recognised and recorded sub-division of the estate jointly; and

Thirdly—any proprietor of land in the estate;

to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector or other Revenue officer appointed as aforesaid, shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein; *Cf.* Section 113, India Act XVII of 1887.

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto; *Cf.* Section 114 of India Act XVII of 1887.

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector

or other Revenue officer as aforesaid, on or before a day to be fixed by him in that behalf.

(3) In awarding compensation under sub-section (2), the Collector, or other Revenue officer as aforesaid, shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, or other Revenue officer as aforesaid, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and determine, and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101B, notwithstanding anything in the proviso thereof contained, and the Collector, or other Revenue officer as aforesaid, shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a proprietor of the estate to which the land is transferred by fixing boundary."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any proprietor of the estate, in the proprietors of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the proprietors of any one estate to the proprietors of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the proprietors of the estate to which such rights are so transferred."

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely :— India Act XVII of 1887.

"(xviii *a*). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C, and 101 D, respectively, of Chapter VIII."

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825.

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall"—the words following shall be inserted, namely :— Regulation XI of 1825, Sections 2 and 3.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899," India Act XVII of 1887. Punjab Act I of 1899.

(2) In Section 3 of the same Regulation, after the word "where"—the words following shall be inserted, namely :—

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and" India Act XVII of 1887. Punjab Act I of 1899.

S. S. THORBURN,
Member.

E. W. PARKER,
Secretary to the Legislative Council of the Punjab.

STATEMENT OF OBJECTS AND REASONS.

THE present law relating to the determination of boundaries between estates, which are divided by a river or are liable to be affected by river action, is contained in Regulation XI of 1825. According to that Regulation the first rule of decision to be applied is local usage. Chief among such local usages is that known as the deep stream rule by which the main channel of the river for the time being is the boundary between the contiguous estates. As the deep stream shifts from year to year, there is no fixity of boundaries between estates, complicated disputes as to ownership frequently arise, much labour is spent annually on the determination of the temporary boundaries, much hardship is felt by individual holders and much money is wasted by them in unsatisfactory litigation.

It has long been felt that the only way to end these evils is once for all to lay down fixed boundaries between riverain estates wherever the deep stream rule obtains. The great difficulty, however, has been that "at any given time," some of the riverain owners will probably be in possession of the lion's share of the land, and there would be injustice in suddenly depriving them of it,—a course which would be necessary in order to make at once a fair permanent division.

A way out of the difficulty has now been found, the principle of which may be most easily explained by the following rule proposed by Sir Dennis Fitzpatrick:—

> That when any land is subject to the action of a river, and under the existing law or custom the ownership of such land is liable to shift from time to time to or from one party or another by reason of the action of the river, the Local Government may, if it thinks fit, appoint an officer to divide such land by a line drawn in such a manner as, having regard to the history of the land and all the circumstances of the case, he thinks equitable, and to direct that, notwithstanding any such law or custom, all that portion of such land which lies at one side of that line shall belong permanently to the one party, and all that portion of such land which lies at the other side of that line to the other. Provided that such direction shall not take effect as against either party in respect of any land of which he is the owner at the time such direction is issued, until such action of the river has taken place as would, under the said law or custom, have deprived him of the ownership thereof.

In the evolution of the present Bill certain suggestions have been made and adopted which at first sight may seem to involve a departure from the rule enunciated by Sir Dennis Fitzpatrick, but which, on examination, will be found to be substantially in accord with its essential principle, which is to preserve the rights of vested interests until such time as those interests would have lapsed or become valueless in consequence of river action.

In the first place, having regard to the fact that the relative rights of ownership of different estates are in reality the rights of the individuals within each estate to whom the rights belong, it is thought that so long as such rights of individuals are safe-guarded it will not prejudice those rights in any material way to declare that they shall in future be enjoyed by their owners as members of another village. In other words, the transfer of land from one village to another will affect, not the ownership of the land, but the boundary of the villages only. This arrangement will enable the Boundary Officer to lay down a fixed and permanent boundary between villages which will at once take effect.

At the same time the principle which will guide the Boundary Officer in laying down the fixed boundary, of equitable apportionment of the riverain area between the villages which from time to time have enjoyed possession of it in larger or smaller shares according to the vagaries of the river, requires that so far as may be, without expropriation of rights in land fit for cultivation, the area assigned to each village shall ultimately belong to the true owners of that village, the ownership of the outsiders who are brought into the village with the land being treated as temporary; and it is therefore none the less necessary to provide for the gradual lapse of such temporary ownership and to define the circumstances under which it shall take place.

The Bill, as now drafted, accordingly provides—

(1) that rights in such areas which are of no substantial value shall lapse at once;

(2) that rights in such areas which are of substantial value shall lapse when the land ceases to be of any substantial value, or may be bought out by payment of compensation or by private contract.

As explaining the first condition, the following extract from the letter of the Financial Commissioner, No. 159, dated 27th February 1896, may be quoted:—

But there is one extension of the scope of the proposed measure which the Financia' Commissioners think might be adopted without violating the principle stated above. The proviso to the rule defers its operation in the case of land of which the party, against whom it would operate, is the owner at the time the boundary is laid down, "until such action of the river has taken place as would under the said law or custom have deprived him of the ownership thereof." The Financial Commissioners think that there is no need to defer the operation of the rule in the case of land actually under water at the time of the boundary officer's proceedings; and they would treat as on the same footing with land under water, land such as is in the revenue records described as unculturable in consequence of river action (*ghairmumkin ret, khalmar, regmar, &c., &c.*). Such an extension of the scope of the rule would greatly accelerate the conversion of the prospective into the actual boundary. It would merely amount to a non-recognition of ownership in land at the time lying valueless, and it is believed that the present practice under which maps and records are prepared in deep stream villages takes no account of the ownership of land after it has been struck off the field register for diluvion until it is again brought on the register as alluvion. In order, therefore, to give effect to the extension of the rule thus proposed, the Financial Commissioners would insert in the proviso, before the word "land," the words "cultivated or culturable."

As regards the second condition, it follows as a corrollary from the first. In both cases the principle recognised is that, in view of the distinct advantage both to the administration and to the village communities themselves of introducing fixed boundaries, it is not inequitable to require individuals to surrender what is of no present value, and what they might ultimately have to surrender under the customary law, to those who on broad considerations of past and present circumstances affecting the riverain area are declared by a competent officer to be equitably entitled in any final and permanent settlement to the ownership of the surrendered land.

When, therefore, the land at any time ceases, by reason of the action of the river, to be of any substantial value, the transfer of rights at once takes effect. If, before that event occurs, the proprietors of the estate to which the boundary fixed assigns the land, are willing to buy out the rights contingently reserved to the trans-boundary villagers, to whose estate the land was attached before the boundary was fixed, and so effect the immediate transfer of the rights so reserved, the Collector is empowered to carry out their wishes after fully compensating the trans-boundary right-holders.

Provision is also made in the Bill to remove the contingent character of the rights reserved to trans-boundary proprietors and others, in land which the boundary fixed assigns to another estate, whenever a trans-boundary right-holder voluntarily transfers his rights, by private contract, to a person who holds proprietary rights in the estate to which the fixed boundary assigns the land in which the rights transferred exist. The purchaser becomes full owner of the rights purchased, and is not liable to lose his rights by any subsequent action of the river.

The Bill has been framed so that, under its provisions, the boundaries between riverain estates can be fixed, whether these estates are on the same or opposite sides of the river.

It has been found most convenient to include the necessary provisions in Chapter VIII (Surveys and Boundaries) of the Punjab Land Revenue Act, and the Bill therefore takes the form of a measure amending the Punjab Land Revenue Act. By adopting this course the necessity of providing any new machinery for carrying out the provisions of the Bill has been avoided. Again, this course makes it clear that the Bill is simply one dealing with the boundaries of estates and does not affect any of the rights of Government to control the navigation or to use the water of rivers. It has therefore been thought unnecessary to re-enact or to refer in any way to section 5 of Regulation XI of 1825. That Regulation remains in force, two slight additions only being made (one in section 2 and the other in section 3) with a view to make any boundary fixed under the Bill operative over any other mode of fixing a boundary prescribed in the Regulation. Where no boundary is fixed under the proposed law, the Regulation will continue to apply; where a boundary is fixed under that law, it will be absolute.

The provisions of the Bill may be explained as follows:—

It consists of four sections, the first of which is merely formal. The second section adds the following sections after section 101 of the Punjab Land Revenue Act:—

101 *A*. This section confers the power to order and carry out the demarcation of a fixed boundary between any two or more estates "subject to river action." The description of the estates has purposely been given a wide application in order that it may cover the case of estates on the same side as well as on opposite sides of a river or deep stream and may also include estates situated entirely in the bed thereof. It has been thought advisable that the fixing of the boundary line should be made subject to the approval of the Financial Commissioner.

101 *B*. This section enacts that the boundary so laid down shall be the constant boundary between estates notwithstanding any law or custom or order to the contrary. As soon as the boundary has been fixed it will take effect as between the estates, but, by the proviso, the rights of individuals in land which the fixed boundary transfers, and which is of substantial value, are protected and reserved until such land ceases to be of any substantial value, [or until such rights are bought out by the proprietors of the estate to which the boundary fixed assigns the land as provided in sections 101 C & 101 D].

101 *C*. This section prescribes the method by which such rights may be bought out and the compensation for them assessed and awarded.

101 *D*. This section provides that, upon any voluntary transfer, by private contract, of any rights contingently reserved by the proviso to section 101 *B*, the contingent character of such rights shall cease and determine.

101 *E*. This section provides that rights in lands transferred from one estate to another, by the operation of fixing a permanent boundary, shall be subject to the same incidents of tenure and liabilities, under law and custom, as apply to the estate to which such lands are transferred.

The third section of the Bill adds a clause to sub-section (2) of section 158 of the Punjab Land Revenue Act, and takes proceedings as to river boundaries out of the jurisdiction of the Civil Courts. In this connection the following extract from the letter of the Government of India, No. 166—341-2, dated 29th January 1898, may be quoted:—

> The whole scheme is essentially a temporary device for making the transition to the fixed equitable boundary gradual instead of sudden, and as soon as it has served this purpose it ceases to exist. The boundary ordinarily changes every year with the change of the river; and the land in question is generally of small immediate value. It is most important to prevent litigation during the stage of transition—litigation which would perhaps not be completed before its subject had been washed away, and would in any case decide the temporary boundary only. In these circumstances the Government of India agree that the decision of the Revenue Officer as regards the rights of property in the disputed land along the boundary should not be liable to be called in question by a Civil Court.

The fourth section of the Bill provides the necessary amendments of sections 2 and 3 of Regulation XI of 1825.

S. S. THORBURN,

Member.

E. W. PARKER,

Secretary to the Legislative Council

of the Punjab.

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PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second publication.]

BILL No. I OF 1898.

(*As introduced in Council on* 1st *November* 1898.)

A Bill to amend the Punjab Land Revenue Act, 1887, *and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.*

Title.

AN Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands;

Short title, extent and commencement.

1. It is hereby enacted as follows:—

(1) This Act may be called the Punjab Riverain Boundaries Act, 1899;

(2) It extends to the whole of the Punjab; and

(3) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely:— India Act XVII of 1887.

"Power to fix boundary between estates."

"101 A. (1) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary accordingly as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action. *Cf.* Regulation XI of 1825, Section 2.

(2) Upon an order being made under sub-section (1), the Collector or any Revenue Officer appointed by the Local Government for the purpose, shall, subject to the approval of the Financial Commissioner, fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights

therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"101 B. (1) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the proprietors of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate, respectively, is situate:

"Effect of fixing a boundary between estates: Proviso."

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation, or is reasonably fit for cultivation, or yields any produce of substantial value, would be transferred from the proprietors of any one estate to the proprietors of any other estate, the Collector or other Revenue Officer appointed as aforesaid shall, by written order, direct that the rights in such land shall, subject to the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the whole or any compact portion of the land, in respect of which any such order is made, ceases to be cultivated, or to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly.

(2) The decision of the Collector, or other Revenue Officer appointed as aforesaid as to whether any land is or is not, for the purposes of sub-section (1) of this section, under cultivation, or reasonably fit for cultivation, or does or does not yield any produce of substantial value, shall be final."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the proprietors (or any of them) of the estate in which, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector, or other Revenue officer appointed as aforesaid, in the order hereinafter specified, namely—

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

Firstly—the proprietors of the estate jointly; Cf. S. 12 of Act 1872.

Secondly—the proprietors of any recognised and recorded sub-division of the estate jointly; and

Thirdly—any proprietor of land in the estate;

to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector or other Revenue officer appointed as aforesaid, shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein; Cf. 113, XVII

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto; Cf. 114 Act 1887.

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector

or other Revenue officer as aforesaid, on or before a day to be fixed by him in that behalf.

(3) In awarding compensation under sub-section (2), the Collector, or other Revenue officer as aforesaid, shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, or other Revenue officer as aforesaid, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and determine, and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101B, notwithstanding anything in the proviso thereof contained, and the Collector, or other Revenue officer as aforesaid, shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a proprietor of the estate to which the land is transferred by fixing boundary."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any proprietor of the estate, in the proprietors of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the proprietors of any one estate to the proprietors of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the proprietors of the estate to which such rights are so transferred."

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely :— India Act XVII of 1887.

"(xviii *a*). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C, and 101 D, respectively, of Chapter VIII."

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825.

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall"—the words following shall be inserted, namely :— Regulation XI of 1825, Sections 2 and 3.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899," India Act XVII of 1887. Punjab Act I of 1899.

(2) In Section 3 of the same Regulation, after the word "where"—the words following shall be inserted, namely :—

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and" India Act XVII of 1887. Punjab Act I of 1899.

S. S. THORBURN,

Member.

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

STATEMENT OF OBJECTS AND REASONS.

THE present law relating to the determination of boundaries between estates, which are divided by a river or are liable to be affected by river action, is contained in Regulation XI of 1825. According to that Regulation the first rule of decision to be applied is local usage. Chief among such local usages is that known as the deep stream rule by which the main channel of the river for the time being is the boundary between the contiguous estates. As the deep stream shifts from year to year, there is no fixity of boundaries between estates, complicated disputes as to ownership frequently arise, much labour is spent annually on the determination of the temporary boundaries, much hardship is felt by individual holders and much money is wasted by them in unsatisfactory litigation.

It has long been felt that the only way to end these evils is once for all to lay down fixed boundaries between riverain estates wherever the deep stream rule obtains. The great difficulty, however, has been that "at any given time," some of the riverain owners will probably be in possession of the lion's share of the land, and there would be injustice in suddenly depriving them of it,—a course which would be necessary in order to make at once a fair permanent division.

A way out of the difficulty has now been found, the principle of which may be most easily explained by the following rule proposed by Sir Dennis Fitzpatrick :—

That when any land is subject to the action of a river, and under the existing law or custom the ownership of such land is liable to shift from time to time to or from one party or another by reason of the action of the river, the Local Government may, if it thinks fit, appoint an officer to divide such land by a line drawn in such a manner as, having regard to the history of the land and all the circumstances of the case, he thinks equitable, and to direct that, notwithstanding any such law or custom, all that portion of such land which lies at one side of that line shall belong permanently to the one party, and all that portion of such land which lies at the other side of that line to the other. Provided that such direction shall not take effect as against either party in respect of any land of which he is the owner at the time such direction is issued, until such action of the river has taken place as would, under the said law or custom, have deprived him of the ownership thereof.

In the evolution of the present Bill certain suggestions have been made and adopted which at first sight may seem to involve a departure from the rule enunciated by Sir Dennis Fitzpatrick, but which, on examination, will be found to be substantially in accord with its essential principle, which is to preserve the rights of vested interests until such time as those interests would have lapsed or become valueless in consequence of river action.

In the first place, having regard to the fact that the relative rights of ownership of different estates are in reality the rights of the individuals within each estate to whom the rights belong, it is thought that so long as such rights of individuals are safe-guarded it will not prejudice those rights in any material way to declare that they shall in future be enjoyed by their owners as members of another village. In other words, the transfer of land from one village to another will affect, not the ownership of the land, but the boundary of the villages only. This arrangement will enable the Boundary Officer to lay down a fixed and permanent boundary between villages which will at once take effect.

At the same time the principle which will guide the Boundary Officer in laying down the fixed boundary, of equitable apportionment of the riverain area between the villages which from time to time have enjoyed possession of it in larger or smaller shares according to the vagaries of the river, requires that so far as may be, without expropriation of rights in land fit for cultivation, the area assigned to each village shall ultimately belong to the true owners of that village, the ownership of the outsiders who are brought into the village with the land being treated as temporary; and it is therefore none the less necessary to provide for the gradual lapse of such temporary ownership and to define the circumstances under which it shall take place.

The Bill, as now drafted, accordingly provides—

(1) that rights in such areas which are of no substantial value shall lapse at once;

(2) that rights in such areas which are of substantial value shall lapse when the land ceases to be of any substantial value, or may be bought out by payment of compensation or by private contract.

As explaining the first condition, the following extract from the letter of the Financial Commissioner, No. 159, dated 27th February 1896, may be quoted:—

But there is one extension of the scope of the proposed measure which the Financial Commissioners think might be adopted without violating the principle stated above. The proviso to the rule defers its operation in the case of land of which the party, against whom it would operate, is the owner at the time the boundary is laid down, "until such action of the river has taken place as would under the said law or custom have deprived him of the ownership thereof." The Financial Commissioners think that there is no need to defer the operation of the rule in the case of land actually under water at the time of the boundary officer's proceedings; and they would treat as on the same footing with land under water, land such as is in the revenue records described as unculturable in consequence of river action (*ghairmumkin ret, khalmar, regmar, &c., &c.*). Such an extension of the scope of the rule would greatly accelerate the conversion of the prospective into the actual boundary. It would merely amount to a non-recognition of ownership in land at the time lying valueless, and it is believed that the present practice under which maps and records are prepared in deep stream villages takes no account of the ownership of land after it has been struck off the field register for diluvion until it is again brought on the register as alluvion. In order, therefore, to give effect to the extension of the rule thus proposed, the Financial Commissioners would insert in the proviso, before the word "land," the words "cultivated or culturable."

As regards the second condition, it follows as a corollary from the first. In both cases the principle recognised is that, in view of the distinct advantage both to the administration and to the village communities themselves of introducing fixed boundaries, it is not inequitable to require individuals to surrender what is of no present value, and what they might ultimately have to surrender under the customary law, to those who on broad considerations of past and present circumstances affecting the riverain area are declared by a competent officer to be equitably entitled in any final and permanent settlement to the ownership of the surrendered land.

When, therefore, the land at any time ceases, by reason of the action of the river, to be of any substantial value, the transfer of rights at once takes effect. If, before that event occurs, the proprietors of the estate to which the boundary fixed assigns the land, are willing to buy out the rights contingently reserved to the trans-boundary villagers, to whose estate the land was attached before the boundary was fixed, and so effect the immediate transfer of the rights so reserved, the Collector is empowered to carry out their wishes after fully compensating the trans-boundary right-holders.

Provision is also made in the Bill to remove the contingent character of the rights reserved to trans-boundary proprietors and others, in land which the boundary fixed assigns to another estate, whenever a trans-boundary right-holder voluntarily transfers his rights, by private contract, to a person who holds proprietary rights in the estate to which the fixed boundary assigns the land in which the rights transferred exist. The purchaser becomes full owner of the rights purchased, and is not liable to lose his rights by any subsequent action of the river.

The Bill has been framed so that, under its provisions, the boundaries between riverain estates can be fixed, whether these estates are on the same or opposite sides of the river.

It has been found most convenient to include the necessary provisions in Chapter VIII (Surveys and Boundaries) of the Punjab Land Revenue Act, and the Bill therefore takes the form of a measure amending the Punjab Land Revenue Act. By adopting this course the necessity of providing any new machinery for carrying out the provisions of the Bill has been avoided. Again, this course makes it clear that the Bill is simply one dealing with the boundaries of estates and does not affect any of the rights of Government to control the navigation or to use the water of rivers. It has therefore been thought unnecessary to re-enact or to refer in any way to section 5 of Regulation XI of 1825. That Regulation remains in force, two slight additions only being made (one in section 2 and the other in section 3) with a view to make any boundary fixed under the Bill operative over any other mode of fixing a boundary prescribed in the Regulation. Where no boundary is fixed under the proposed law, the Regulation will continue to apply; where a boundary is fixed under that law, it will be absolute.

The provisions of the Bill may be explained as follows:—

It consists of four sections, the first of which is merely formal. The second section adds the following sections after section 101 of the Punjab Land Revenue Act:—

101 *A*. This section confers the power to order and carry out the demarcation of a fixed boundary between any two or more estates "subject to river action." The description of the estates has purposely been given a wide application in order that it may cover the case of estates on the same side as well as on opposite sides of a river or deep stream and may also include estates situated entirely in the bed thereof. It has been thought advisable that the fixing of the boundary line should be made subject to the approval of the Financial Commissioner.

101 *B*. This section enacts that the boundary so laid down shall be the constant boundary between estates notwithstanding any law or custom or order to the contrary. As soon as the boundary has been fixed it will take effect as between the estates, but, by the proviso, the rights of individuals in land which the fixed boundary transfers, and which is of substantial value, are protected and reserved until such land ceases to be of any substantial value, [or until such rights are bought out by the proprietors of the estate to which the boundary fixed assigns the land as provided in sections 101 C & 101 D].

101 *C*. This section prescribes the method by which such rights may be bought out and the compensation for them assessed and awarded.

101 *D*. This section provides that, upon any voluntary transfer, by private contract, of any rights contingently reserved by the proviso to section 101 B, the contingent character of such rights shall cease and determine.

101 *E*. This section provides that rights in lands transferred from one estate to another, by the operation of fixing a permanent boundary, shall be subject to the same incidents of tenure and liabilities, under law and custom, as apply to the estate to which such lands are transferred.

The third section of the Bill adds a clause to sub-section (2) of section 158 of the Punjab Land Revenue Act, and takes proceedings as to river boundaries out of the jurisdiction of the Civil Courts. In this connection the following extract from the letter of the Government of India, No. 166—341-2, dated 29th January 1898, may be quoted :—

The whole scheme is essentially a temporary device for making the transition to the fixed equitable boundary gradual instead of sudden, and as soon as it has served this purpose it ceases to exist. The boundary ordinarily changes every year with the change of the river; and the land in question is generally of small immediate value. It is most important to prevent litigation during the stage of transition—litigation which would perhaps not be completed before its subject had been washed away, and would in any case decide the temporary boundary only. In these circumstances the Government of India agree that the decision of the Revenue Officer as regards the rights of property in the disputed land along the boundary should not be liable to be called in question by a Civil Court.

The fourth section of the Bill provides the necessary amendments of sections 2 and 3 of Regulation XI of 1825.

S. S. THORBURN,
Member.

E. W. PARKER,
Secretary to the Legislative Council
of the Punjab.

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PUNJAB AND ITS DEPENDENCIES.

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PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third publication.]

BILL No. I OF 1898.

(As introduced in Council on 1st November 1898.)

A Bill to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Title.

AN Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands;

Short title, extent and commencement.

1. It is hereby enacted as follows:—

(1) This Act may be called the Punjab Riverain Boundaries Act, 1899;

(2) It extends to the whole of the Punjab; and

(3) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely:—

"Power to fix boundary between estates."

Cf. Regulation XI of 1825, Section 2.

"101 A. (*1*) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary accordingly as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(*2*) Upon an order being made under sub-section (*1*), the Collector or any Revenue Officer appointed by the Local Government for the purpose, shall, subject to the approval of the Financial Commissioner, fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(*3*) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights

therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"101 B. (1) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the proprietors of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate, respectively, is situate :

"Effect of fixing a boundary between estates: Proviso."

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation, or is reasonably fit for cultivation, or yields any produce of substantial value, would be transferred from the proprietors of any one estate to the proprietors of any other estate, the Collector or other Revenue Officer appointed as aforesaid shall, by written order, direct that the rights in such land shall, subject to the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the whole or any compact portion of the land, in respect of which any such order is made, ceases to be cultivated, or to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly.

(2) The decision of the Collector, or other Revenue Officer appointed as aforesaid as to whether any land is or is not, for the purposes of sub-section (1) of this section, under cultivation, or reasonably fit for cultivation, or does or does not yield any produce of substantial value, shall be final."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the proprietors (or any of them) of the estate in which, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector, or other Revenue officer appointed as aforesaid, in the order hereinafter specified, namely—

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

Firstly—the proprietors of the estate jointly ; Cf. 12 of Act 1872.

Secondly—the proprietors of any recognised and recorded sub-division of the estate jointly ; and

Thirdly—any proprietor of land in the estate ;

to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector or other Revenue officer appointed as aforesaid, shall—

(a) fix a day for the hearing of the application ;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein ; Cf. 113 ... XVII

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto ; Cf. 11... Act 18..

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector

or other Revenue officer as aforesaid, on or before a day to be fixed by him in that behalf.

(3) In awarding compensation under sub-section (2), the Collector, or other Revenue officer as aforesaid, shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case.

India Act I of 1894.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, or other Revenue officer as aforesaid, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and determine, and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101B, notwithstanding anything in the proviso thereof contained, and the Collector, or other Revenue officer as aforesaid, shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a proprietor of the estate to which the land is transferred by fixing boundary."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any proprietor of the estate, in the proprietors of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the proprietors of any one estate to the proprietors of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the proprietors of the estate to which such rights are so transferred."

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely:— India Act XVII of 1887.

"(xviii *a*). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C, and 101 D, respectively, of Chapter VIII."

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825.

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall"—the words following shall be inserted, namely:— Regulation XI of 1825, Sections 2 and 3.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899," India Act XVII of 1887. Punjab Act I of 1899.

(2) In Section 3 of the same Regulation, after the word "where"—the words following shall be inserted, namely:—

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and" India Act XVII of 1887. Punjab Act of 1899.

S. S. THORBURN,

Member.

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

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It has long been felt that the only way to end these evils is once for all to lay down fixed boundaries between riverain estates wherever the deep stream rule obtains. The great difficulty, however, has been that "at any given time," some of the riverain owners will probably be in possession of the lion's share of the land, and there would be injustice in suddenly depriving them of it,—a course which would be necessary in order to make at once a fair permanent division.

A way out of the difficulty has now been found, the principle of which may be most easily explained by the following rule proposed by Sir Dennis Fitzpatrick :—

That when any land is subject to the action of a river, and under the existing law or custom the ownership of such land is liable to shift from time to time to or from one party or another by reason of the action of the river, the Local Government may, if it thinks fit, appoint an officer to divide such land by a line drawn in such a manner as, having regard to the history of the land and all the circumstances of the case, he thinks equitable, and to direct that, notwithstanding any such law or custom, all that portion of such land which lies at one side of that line shall belong permanently to the one party, and all that portion of such land which lies at the other side of that line to the other. Provided that such direction shall not take effect as against either party in respect of any land of which he is the owner at the time such direction is issued, until such action of the river has taken place as would, under the said law or custom, have deprived him of the ownership thereof.

In the evolution of the present Bill certain suggestions have been made and adopted which at first sight may seem to involve a departure from the rule enunciated by Sir Dennis Fitzpatrick, but which, on examination, will be found to be substantially in accord with its essential principle, which is to preserve the rights of vested interests until such time as those interests would have lapsed or become valueless in consequence of river action.

In the first place, having regard to the fact that the relative rights of ownership of different estates are in reality the rights of the individuals within each estate to whom the rights belong, it is thought that so long as such rights of individuals are safeguarded it will not prejudice those rights in any material way to declare that they shall in future be enjoyed by their owners as members of another village. In other words, the transfer of land from one village to another will affect, not the ownership of the land, but the boundary of the villages only. This arrangement will enable the Boundary Officer to lay down a fixed and permanent boundary between villages which will at once take effect.

At the same time the principle which will guide the Boundary Officer in laying down the fixed boundary, of equitable apportionment of the riverain area between the villages which from time to time have enjoyed possession of it in larger or smaller shares according to the vagaries of the river, requires that so far as may be, without expropriation of rights in land fit for cultivation, the area assigned to each village shall ultimately belong to the true owners of that village, the ownership of the outsiders who are brought into the village with the land being treated as temporary; and it is therefore none the less necessary to provide for the gradual lapse of such temporary ownership and to define the circumstances under which it shall take place.

The Bill, as now drafted, accordingly provides—

(1) that rights in such areas which are of no substantial value shall lapse at once;

(2) that rights in such areas which are of substantial value shall lapse when the land ceases to be of any substantial value, or may be bought out by payment of compensation or by private contract.

As explaining the first condition, the following extract from the letter of the Financial Commissioner, No. 159, dated 27th February 1896, may be quoted :-

But there is one extension of the scope of the proposed measure which the Financial Commissioners think might be adopted without violating the principle stated above. The proviso to the rule defers its operation in the case of land of which the party, against whom it would operate, is the owner at the time the boundary is laid down, " until such action of the river has taken place as would under the said law or custom have deprived him of the ownership thereof." The Financial Commissioners think that there is no need to defer the operation of the rule in the case of land actually under water at the time of the boundary officer's proceedings; and they would treat as on the same footing with land under water, land such as is in the revenue records described as unculturable in consequence of river action (*ghairmumkin ret, khalmar, regmar, &c., &c.*). Such an extension of the scope of the rule would greatly accelerate the conversion of the prospective into the actual boundary. It would merely amount to a non-recognition of ownership in land at the time lying valueless, and it is believed that the present practice under which maps and records are prepared in deep stream villages takes no account of the ownership of land after it has been struck off the field register for diluvion until it is again brought on the register as alluvion. In order, therefore, to give effect to the extension of the rule thus proposed, the Financial Commissioners would insert in the proviso, before the word "land," the words " cultivated or culturable."

As regards the second condition, it follows as a corollary from the first. In both cases the principle recognised is that, in view of the distinct advantage both to the administration and to the village communities themselves of introducing fixed boundaries, it is not inequitable to require individuals to surrender what is of no present value, and what they might ultimately have to surrender under the customary law, to those who on broad considerations of past and present circumstances affecting the riverain area are declared by a competent officer to be equitably entitled in any final and permanent settlement to the ownership of the surrendered land.

When, therefore, the land at any time ceases, by reason of the action of the river, to be of any substantial value, the transfer of rights at once takes effect. If, before that event occurs, the proprietors of the estate to which the boundary fixed assigns the land, are willing to buy out the rights contingently reserved to the trans-boundary villagers, to whose estate the land was attached before the boundary was fixed, and so effect the immediate transfer of the rights so reserved, the Collector is empowered to carry out their wishes after fully compensating the trans-boundary right-holders.

Provision is also made in the Bill to remove the contingent character of the rights reserved to trans-boundary proprietors and others, in land which the boundary fixed assigns to another estate, whenever a trans-boundary right-holder voluntarily transfers his rights, by private contract, to a person who holds proprietary rights in the estate to which the fixed boundary assigns the land in which the rights transferred exist. The purchaser becomes full owner of the rights purchased, and is not liable to lose his rights by any subsequent action of the river.

The Bill has been framed so that, under its provisions, the boundaries between riverain estates can be fixed, whether these estates are on the same or opposite sides of the river.

It has been found most convenient to include the necessary provisions in Chapter VIII (Surveys and Boundaries) of the Punjab Land Revenue Act, and the Bill therefore takes the form of a measure amending the Punjab Land Revenue Act. By adopting this course the necessity of providing any new machinery for carrying out the provisions of the Bill has been avoided. Again, this course makes it clear that the Bill is simply one dealing with the boundaries of estates and does not affect any of the rights of Government to control the navigation or to use the water of rivers. It has therefore been thought unnecessary to re-enact or to refer in any way to section 5 of Regulation XI of 1825. That Regulation remains in force, two slight additions only being made (one in section 2 and the other in section 3) with a view to make any boundary fixed under the Bill operative over any other mode of fixing a boundary prescribed in the Regulation. Where no boundary is fixed under the proposed law, the Regulation will continue to apply; where a boundary is fixed under that law, it will be absolute.

The provisions of the Bill may be explained as follows:—

It consists of four sections, the first of which is merely formal. The second section adds the following sections after section 101 of the Punjab Land Revenue Act:—

101 *A*. This section confers the power to order and carry out the demarcation of a fixed boundary between any two or more estates " subject to river action." The description of the estates has purposely been given a wide application in order that it may cover the case of estates on the same side as well as on opposite sides of a river or deep stream and may also include estates situated entirely in the bed thereof. It has been thought advisable that the fixing of the boundary line should be made subject to the approval of the Financial Commissioner.

101 *B*. This section enacts that the boundary so laid down shall be the constant boundary between estates notwithstanding any law or custom or order to the contrary. As soon as the boundary has been fixed it will take effect as between the estates, but, by the proviso, the rights of individuals in land which the fixed boundary transfers, and which is of substantial value, are protected and reserved until such land ceases to be of any substantial value, [or until such rights are bought out by the proprietors of the estate to which the boundary fixed assigns the land as provided in sections 101 C & 101 D].

101 *C*. This section prescribes the method by which such rights may be bought out and the compensation for them assessed and awarded.

101 *D*. This section provides that, upon any voluntary transfer, by private contract, of any rights contingently reserved by the proviso to section 101 B, the contingent character of such rights shall cease and determine.

101 *E*. This section provides that rights in lands transferred from one estate to another, by the operation of fixing a permanent boundary, shall be subject to the same incidents of tenure and liabilities, under law and custom, as apply to the estate to which such lands are transferred.

The third section of the Bill adds a clause to sub-section (2) of section 158 of the Punjab Land Revenue Act, and takes proceedings as to river boundaries out of the jurisdiction of the Civil Courts. In this connection the following extract from the letter of the Government of India, No. 166—341-2, dated 29th January 1898, may be quoted :—

> The whole scheme is essentially a temporary device for making the transition to the fixed equitable boundary gradual instead of sudden, and as soon as it has served this purpose it ceases to exist. The boundary ordinarily changes every year with the change of the river; and the land in question is generally of small immediate value. It is most important to prevent litigation during the stage of transition—litigation which would perhaps not be completed before its subject had been washed away, and would in any case decide the temporary boundary only. In these circumstances the Government of India agree that the decision of the Revenue Officer as regards the rights of property in the disputed land along the boundary should not be liable to be called in question by a Civil Court.

The fourth section of the Bill provides the necessary amendments of sections 2 and 3 of Regulation XI of 1825.

S. S. THORBURN,

Member.

E. W. PARKER,

Secretary to the Legislative Council

of the Punjab.

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PART VI.

Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

REPORT OF PROCEEDINGS.

(*Rule 37 of the Rules for the Conduct of Business at Meetings.*)

THE Council met at Government House, Lahore, on Friday, the 15th April 1898.

PRESENT :

His Honour Sir William Mackworth Young, M.A., K.C.S.I., Councillor of the Empress, Lieutenant-Governor of the Punjab, *presiding*.

The Hon'ble S. S. Thorburn.

The Hon'ble *Nawáb* Fateh Ali Khán, *Kazilbásh*.

The Hon'ble Louis W. Dane.

The Hon'ble Sir William H. Rattigan, KT., Q.C.

The Hon'ble *Khán Bahádur* Khalífa Sayid Muhammad Husain, *Mushir-ud-dowla, Mumtáz-ul-Mulk*.

The Hon'ble *Rái Bahádur* Madan Gopál, M.A., Barrister-at-Law.

PUNJAB GENERAL CLAUSES BILL.

The Hon'ble MR. DANE presented the Report of the Select Committee on the Bill to shorten the language of Acts and for other matters, and moved that the report be taken into consideration. He said: Since this Bill was introduced at the last meeting, it has been examined by the Government of India in the Legislative Department, who made certain suggestions in regard to it. These, with the Bill, have been carefully scrutinized by the high legal authorities on the Select Committee, who recommend that the suggestions should be adopted. Some other slight alterations in form and a few additions as noted in the Report of the Select Committee have been made. It is understood that there is no technical objection to the measure being passed, and I therefore beg to present the Report of the Select Committee, and to move that it be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. DANE moved that the Bill, as amended by the Select Committee, be taken into consideration, and that, as notice had not been given of any amendment, that the Bill, as amended, be passed.

The motion was put and agreed to.

ADDRESS BY THE PRESIDENT.

His Honour the PRESIDENT said :—

As the members may be anxious for information as to the causes which are operating to delay the introduction of measures and to render the Council more or less inactive, I may explain that this is due mainly to the rules which govern local legislation.

These rules or instructions have been put together and printed by the Secretary and will be found in paragraphs XVII to XXI of Office Standing Order II of 1897, copies of which will be found on the table.

It will be observed that every *project of law* must be submitted to the Government of India, Legislative Department, for transmission to the Secretary of State, before it is introduced in Council. The only exception to this rule is in the case of a consolidation measure pure and simple.

When this has been done, a reply must be awaited from the Government of India stating either that the Secretary of State has no objection to the introduction of a Bill, or that no reply has been received from the Secretary of State within two months of the date of the despatch addressed to him.

Every Bill containing Penal clauses has to be submitted to the Government of India, in the Home Department, for the previous sanction of the Governor-General in Council.

Only where early action is specially desirable, may exceptions be allowed to these general rules.

Similar references have to be made, if, after a Bill has been introduced, it is materially altered.

Under the Rules of Business, the ordinary time for the making of the Report of a Select Committee is *after the close of two months.*

Punjab General Clauses Bill.

With regard to the Punjab General Clauses Bill, the Select Committee were obliged to wait two months before making their report, and the approval of the Government of India had also to be awaited.

Other measures.

Certain other measures which the Government propose to introduce are in various stages of preparation, as will be presently explained.

It will be observed that, however these rules may operate to hamper legislation, they effectually secure deliberation and prevent hurried or ill-considered legislation. It is, also, obviously wiser to prevent ill-considered projects from being introduced in the Council, than to interfere at a later stage.

The Punjab Land Preservation (Hoshiárpur Chos) *Bill and the Punjab Land* (SIND-SAGAR DOAB) *Acquisition Bill.*

As to the measures which are under consideration, I may explain that I have approved of draft Bills (I) for the protection of lands from the destructive action of the *chos* in the Hoshiárpur and Jullundur Districts, and (II) for the acquisition of land in the *Sind-Ságar Doáb* in view to its reclamation, irrigation and colonisation, and that these Bills are in course of submission to the Government of India.

The Punjab Courts of Wards Bill.

A Bill to consolidate and amend the law relating to Courts of Wards in the Punjab has also been prepared, and is likely very shortly to pass under my observation before it is submitted to the Government of India. It is at present in the hands of the Financial Commissioner.

The Riparian Estates Boundaries Bill.

A Bill for enabling the Local Government to fix the boundaries of estates subject to river action, and so to set at rest constantly recurring disputes, has been drafted and is now under the consideration of the Financial Commissioner, before being submitted to me. It has not yet been printed.

The Punjab Customary Law Bill and the Punjab Customs Declaration Bill.

The Hon'ble Sir William Rattigan has drafted a Bill dealing with Punjab Customary Law, and the Hon'ble Mr. Thorburn has also drafted a Bill calculated to achieve a similar object in a different way.

The latter Bill is intended to empower the Local Government to declare customs and to thus attach a legal presumption as regards their operation. The former Bill aims at specifying in detail the customs to which such a presumption is to be attached. These Bills are under my consideration.

Minor Canals Project.

A draft Bill, prepared in 1890, has long been under consideration for legislating for minor canals. A draft Regulation (under Stat. 33, Vic., Cap. 3) on the subject of such canals in the Pesháwar District, framed on similar lines, was submitted for the consideration of the Government of India some time ago. Now that a Council has been established in the Punjab, the main subject can probably be more appropriately left to it, and the matter is under my consideration.

Briefly stated, then, the state of affairs is this —

Two Bills are in course of submission to the Government of India and are ready, when sanction is accorded, for the consideration of the Council, and

Five more Bills are under consideration by the Local Government.

ADJOURNMENT.

The Council adjourned *sine die.*

LAHORE: E. W. PARKER,

The 15th April 1898. *Secretary to the Legislative Council of the Punjab.*

Punjab Government Press Lahore—21-4-98—695.

Certain other measures which Government propose to introduce are [illegible] protection, as will be presently explained.

[illegible] be observed that, however these [illegible] may operate to hamper [illegible] and consideration [illegible] from [illegible] a later stage.

[illegible] (Bill) and the

[illegible] Bill.

As to the measures which are under consideration—I may explain that I [illegible] (I) [illegible] from the destructive [illegible] of the [illegible] Districts, and (II) for the [illegible] in view its rich irrigation [illegible] to the Govern-[illegible]

[illegible] Bill.

A Bill to [illegible] the law relating to Courts of Wards in [illegible] under any [illegible] of India. It is at present [illegible] of the [illegible] Commissioner.

[illegible] Bill.

A Bill [illegible] of existing [illegible] districts, has [illegible] of the Financial Commissioner, [illegible] It has not yet been [illegible]

[illegible] Bill.

[illegible] which [illegible] in a different way.

[illegible] Local Government to declare [illegible] their operation. The [illegible] which such a presumption [illegible] under my consideration.

[illegible]

A draft Bill [illegible] under consideration [illegible] A draft [illegible] Rule [illegible] Dera [illegible] Palatine District, framed on [illegible] submitted for the consideration of the Government [illegible] that a Court has been established in the Punjab, [illegible] left to it, and the matter is [illegible] consideration.

[illegible] then, the [illegible] this—

[illegible] submission to the Government of India and [illegible] for the consideration of the Council, and

[illegible] Bill [illegible] the Local Government.

ADJOURNMENT.

The Council adjourned [illegible]

LAHORE: [illegible] W. PARKER,

[illegible] April 1898. [illegible] Secretary to the Legislative Council, Punjab.

[illegible]

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PART VI.

Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 14).

The Council met at Government House, Lahore, on Tuesday, the 1st November, 1898.

PRESENT:

His Honor Sir William Mackworth Young, M. A., K.C.S.I., Lieutenant-Governor of the Punjab, *presiding*.

The Hon'ble Báwa Sir Khem Singh, Bedi, K.C.I.E.

The Hon'ble S. S. Thorburn.

The Hon'ble Nawáb Fateh Ali Khán, Kazilbásh.

The Hon'ble L. W. Dane.

The Hon'ble Khán Bahádur Khalífa Muhammad Hussain, Mushír-ud-dowla, Mumtáz-ul-Mulk.

The Hon'ble J. S. Beresford.

The Hon'ble Rái Bahádur Madan Gopál, M.A., Barrister-at-Law.

The Hon'ble C. L. Tupper, B. A., C.S. I.

The Hon'ble Mr. C. L. Tupper, B.A., C.S.I., took his seat as a Member of the Council.

PUNJAB RIVERAIN BOUNDARIES BILL.

The Hon'ble MR. THORBURN moved for leave to introduce a Bill to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of Riverain Estates in the Punjab. He said :—"Your Honor,—As 'The Punjab Riverain Boundaries Bill," which I shall presently move for leave to introduce, is the outcome of many years of inquiry and discussion, a sketch of the causes leading up to its actual preparation will, perhaps, be useful.

"The Punjab, or "land of the five rivers"—Sutlej, Beas, Ravi, Chenab Jhelum,—as constituted after the Mutiny, is a land of seven rivers, for it extends on the east to the Jumna, and on the west to the foot of the mountains beyond the Indus. The length of these rivers within the Province is roundly 2,500 miles, and their beds or valleys—taking their average breadth at only three miles—contain an area of about 7,500 square miles. As the plains through which they all flow with a converging direction—the Jumna excepted—from north to south-south-west, is very level—the fall seawards being seldom more than two or three feet to the mile, and as the volume of water conveyed varies from fordable streams in the cold weather to, in the rains, great rivers of from one to twelve miles in width, the annual shiftings in the courses of the low-season channels, are consequently extensive. It follows that inside these river-valleys, land-marks and channels of running water, Nature's boundaries, so to say, are never constant.

"Throughout the period of the decline and fall of the Moghul Empire, and in this century during the rise and consolidation of the Sikh power, villages within the river-valleys were few; communities were congregated here and there on the high banks, or at least above the flood level; each was more or less self-governing, the strong brotherhood, family, or man of the day dominating the rest: cultivation in the valleys was patchy and inconsiderable, except close under villages or towns: there were neither fixed boundaries between villages, nor, as a rule, need for them, population being sparse and land abundant: river-beds where not sand or water, were jungles, chiefly utilised as pasturage. Thus, the loose dividing-line between opposite communities and jurisdictions was usually the natural boundary, some deep stream of the river. Whilst such was the condition in the Punjab, 1,200 miles eastwards, the East India Company was establishing law and order in what was then Bengal, and gradually extending British dominion North-West towards Sikh territory.

"Early in this century the Governor-General in Council enacted at Calcutta the di-alluvion measure known as Bengal Regulation XI of 1825. Briefly put, it declared that claims and disputes about land in river-beds should be decided by "immemorial and definite usage, when such shall be clearly recognised and established," and that, where no such usage obtained, gains by gradual accession should belong to the estate to which they accreted, but losses, by a sudden change in the deep stream, should, so long as the land was identifiable, "remain the property of its original owner," and further that new islands, surrounded by unfordable channels, should be at the disposal of the Government. Some of the other rights of Government in river-beds were also declared. The above positive rules as regards accretions, so called "avulsed" but identifiable lands, and new islands appear to have been based on Roman Law, assumptions of equity or practice and obvious convenience It did not follow that such a Regulation, however suitable for small rivers, like those of Italy, or the large but well-defined Ganges and lesser streams of Bengal, would be equally suitable for the great rivers of the Punjab, which at the time were but vaguely known to the legislators of Calcutta, and entirely beyond the purview of the enactment. Twenty-four years after the Regulation had become law for Bengal, the Punjab was annexed (1849). With the advent of peace and good government, cultivation extended in the river-beds of the new province, and di-alluvion questions soon demanded attention.

"So far back as 1852 it was proposed to "give *zamîndârs* losing land on one side of the river (Sutlej) a preferential claim to newly formed lands on the other side." On examination of the proposal, Regulation XI of 1825 was found to be the only law which dealt with the subject. As it prescribed, as the first rule of decision, "immemorial and definite usage," it became necessary to ascertain what the usage was. Inquiries were instituted, the result of which was that it was held that generally the boundary of usage was the "deep stream." From the very first the Regulation had been in force in the Punjab, the Civil Courts of which were in 1849 required generally "to conform, as nearly as the circumstances of the case will permit, to the provisions of the Regulations in force" in the North-West Provinces. As a consequence, both in the Circulars of the Board of Administration, and later in those of the Financial Commissioner, issued with the approval of the Lieutenant-Governor, the validity of the Regulation was assumed, and its provisions followed. All such orders were formally validated by Section 25, Indian Councils Act, 1861. Finally the Regulation itself was formally declared to be in force in this province by the Punjab Laws Act IV of 1872.

"In the sixties Mr. (now Sir James) Lyall and the late Colonel (then Captain) Wace, severally, put forward proposals, which together may be regarded as the germ of the action now being taken. These officers pointed out that the "deep-stream" usage was generally condemned, advocated legislation for its annulment, and the substitution therefor of fixed equitable boundaries between estates. In 1870 the information, which had been slowly accumulating, was brought together with the result that a modified form of the deep-stream rule was pronounced to be the usage. The modification was one which, though causing litigation, somewhat corrected the harshness of the hard and fast practice of shifting boundaries, namely, that so long as land was identifiable its original owner retained it, no matter where the main body of the river happened to be flowing. There were three exceptions:—On the Beas the deep-stream rule pure and simple was reported to obtain; on the Ravi, a small river, fixed boundaries were said to have been somehow established, and on the Indus practices were held to be uncertain.

"On the above data, the conclusion arrived at amounted to a finding that Regulation XI of 1825 sufficiently met all necessities. It was further held that, even if the shifting boundary custom had not been established for five of the seven rivers of the Punjab, the laying and maintaining of fixed boundaries was impracticable, the scientific measurements required for the purpose being beyond the then resources of the province. After 1870, for about twenty years, discussion languished on the question of fixed *versus* shifting boundaries as the dividing rule for proprietary rights in river-beds. The people were left to fight out their disputes in the Civil Courts, and these in turn had in each case to take evidence as to custom, and, of course, the evidence was rarely satisfactory.

"Before noticing the action initiated in 1890, out of which the present Bill has grown, it will, perhaps, be well to refer to past attempts at codifying river law. In 1860 Mr. Cust, the then Financial Commissioner, drafted what he called a "Code of River Law applicable to the seven great rivers and for the whole of the Punjab." In arguing his case he wrote as follows:—

It may seem equitable at first sight, and is indeed provided for by Regulation XI of 1825, that disputes of this kind should be determined by definite and immemorial custom; but this presupposes a period of order and law, during which that custom would have developed itself naturally, not a period of misrule and absence of law, which has led to the anomaly of precisely contrary customs being asserted on the same or similar rivers. We are introducing a new rule and a new system, and as yet there has been no conflict of precedents decided on contrary principles. Let us lay down a clear and distinct rule for the future.

"This he proceeded to do in the ten rules of his Code, which was, fortunately for the populations of our river-valleys, never sanctioned, because, though he argued against a custom, which had grown up in a period of misrule, he yet adopted the deep-stream as his rule. The idea of fixed boundaries had, perhaps, not occurred to him, or as was held a decade later, he recognized we had not the means of accurately laying and maintaining them.

"A stronger attempt at codification was made between 1878 and 1884 by the Legislative Council of the Governor-General. A draft Bill was prepared with a view to consolidate the law of di-alluvion into one enactment for Lower Bengal, the North-West Provinces and the Punjab, but after being twice amended, was finally withdrawn, the difficulties of framing a single measure suitable to the varying needs of the three Governments proving insuperable.

"To return now to the re-opening of the question in 1890. In that year four districts of the Ráwalpindi Division came simultaneously under revision of settlement, and each district had long frontages of the Jhelum or Chenab, or both, in them. The Commissioner of the Division urged that the opportunity was good for a final settlement of the fixed *versus* shifting boundaries question, and summed up the reason for preferring the former. It was at once admitted that the matter was "fairly open to reconsideration," and the collection of further information and opinions was ordered, a chief object being to discover a satisfactory solution of the difficulty, which had long been recognised of how equitably to deal with plots cis-line belonging to proprietors of a trans-line village. The action which has now been taken is the outcome of the proceedings begun in 1890. From the foregoing, it will be seen that the question in all its bearings has been more or less under inquiry and discussion for forty-six years, and that the law in the Punjab is that contained in the Bengal Regulation XI of 1825.

"Now, as has already been observed, the first rule of decision in that Regulation is "immemorial and definite usage." A little examination will, I think, show that, in its strictly legal sense, a "deep-stream" custom, *i.e., inter alia* an ancient, certain and invariable practice, could hardly have been established before 1849. In the long period of unstable rule, preceding the advent of the British dominion, the physical barrier of an unfordable channel necessarily separated jurisdictions and opposite villages, whenever the power on either side was either too weak, or too indifferent to retain lands, once its own when transferred by river action across-stream. As "might" usually made "right," it is difficult to conceive that in any other case a change in the course of a river would have involved the surrender of valuable land.

"In the quotation already made from the arguments used by Mr. Cust for superseding "custom" by "a clear and distinct rule," he appears to have been influenced by the view of facts just stated. Lawless times, I admit, sometimes promote the transition of an occasional practice into an established custom, but such could hardly have been the case with the "deep-stream" boundary, because the temporary strongest would have disregarded such a boundary, whenever it was advantageous so to do. The want of continuity in will of the temporary strongest, *plus*, since our reign of law began, the inconclusiveness of evidence, help to explain the absence of uniformity in findings on "custom" by our Civil Courts and Settlement Officers. In fact, in establishing a "custom," the latter certainly, and the former probably, have sometimes to relax its postulates, and accept instead a repeated act or waiver or even the declared sentiment of a community, when supported by perhaps a few doubtful precedents.

"Take the case of the usage, held in 1870 to be in force for four of our great rivers, that the "deep-stream" bounded rights in property, but that nevertheless "avulsion," as it was called, did not cause the lapse of such rights so long as the land

was recognisable. On their face the two "customs" would appear to be incompatible, and could hardly have existed concurrently before 1849. The probability is that the modification, which saved identifiable, *i. e.*, as a rule immediately valuable land, from the operation of the general custom, grew up between 1849 and 1870, and was due to our officers' sense of equity, supported, as it was, notwithstanding the comprehensiveness of the deep-stream usage by the oppositive rule on the subject in the old Bengal Regulation. If we examine the numerous deviations from the deep-stream usage, pure and simple, now accepted as custom or rules of decision on most of our Punjab rivers, we find that in the last half century three causes have been operating, namely, (i) Judicial decisions, (ii) Evolution, (iii) The direct initiative of a District or Settlement Officer confirmed by an agreement.

"As to (i), Judicial decisions have necessarily been limited to small areas, to disputes between opposite villages or individuals as to custom, which of several is the "deep" stream, appropriation of new alluvion and the like. Such cases have often been fought to the bitter end, and the Chief Court, whilst giving effect to what the evidence proved to be the "custom," has sometimes recognised the hardships of the "deep-stream" rule, and has even pointed out that it could be abrogated by contract. Such suits have generally been costly, slow in reaching finality, and of dubious issue. As a consequence that issue has occasionally resulted in a *reductio ad absurdum* of the "deep-stream" rule. For instance, I remember a case in which the Appelllate Court decided in favour of that rule, and, following the map used in the suit, fixed the line of the boundary accordingly, whereas at the time the Court's "deep-stream" had wandered off some miles Westwards. In the case referred to, the plaintiff village, was, I think, "hoist by its own petard."

"As to (ii), the evolution of a custom since 1849, instances as regards customs of inheritance and adoption will occur to Hon'ble Members of this Council. Possibly the fixed-boundary rule on the Ravi, and certainly that on parts of the Indus and other rivers are cases in point. The seeming contradiction, already noticed, that so-called "avulsed" but identifiable lands, except apparently on the Beas, are retained by their original owners, even where the deep stream is the boundary is, I expect, another instance.

"As to (iii), it is probable that most riverain rules of decision, other than the "deep-stream," owe their origin to the initiative of a District or Settlement Officer, supported by an agreement, *i. e.*, by a duly attested entry in a Record of Rights. In and before the seventies, a Settlement Officer had a freer hand than now. In those days, if he found popular inclination favorable, it was easy for him to give his *Zamíndárs* a lead, and so with the necessary confirmatory agreement, materialise shadowy forms into substances. Thus, then, Judicial decisions, evolution, and Settlement action appear to explain the otherwise hardly explicable deviations from the "deep-stream" usage, which have become established in localities on some of our great rivers, notably the Sutlej, Jhelum and Indus. To illustrate what I may call the formation of a "custom" or a rule of decision by agreement, I may take the case of the Indus Valley in the Bannu District, an area of nearly 450 square miles, with a population of over 60,000. Early in the Settlement (1872—78), the Settlement Officer decided that fixed boundaries obtained; he accordingly, where necessary, connected his village boundary maps to a common boundary, and, for the whole of the immediate bed of the Indus under the Eastern bank, near which the main stream was then running prepared a field map and *Khasrah* for each village—no matter whether the area was sand or water—after which all concerned attached an agreement to abide by the partition, whenever valuable land should re-form. This was done a quarter of a century ago, and since then the Indus has trended to midvalley channels, and much good alluvion has formed to their Eastwards. In answer to a reference as to how the Settlement proceeding had worked, the Deputy Commissioner of Bannu has just replied as follows:—"I find on inquiry that the Settlement

Officer's arrangements have been very effective indeed, and and that the few disputes that are carried into Court are promptly decided by a reference to the partition agreement effected under his orders."

"When this Bill becomes law, what the Settlement Officer of Bannu did by agreement, Government will be able to do by authority, and we may be sure that, on each river, the Boundary Officer, though he will have authority at his back, will carry the people with him in most of his work, for the people *long* for fixity and certainty.

"I have made these remarks with a view to show that the deep-stream usage was the product of times of the absence of law, was hardly in the strict sense of the term a "custom," was unsuited to a period of law and order, was early condemned by Revenue Officers, and sometimes set aside by them with the full approval of the people, was never popular with those subject to its caprices, and has been the cause of much waste of money in uncertain litigation, and of great hardships to the riverain populations generally. The chief object, *then*, of the Bill is to give the Local Government power to fix permanent boundaries in river-beds between estates now subject to the deep-stream rule, without interfereing, otherwise than after payment of full compensation, with individual rights in land so long as these rights are of substantial value. By this means the sudden vicissitudes of fortune, and consequent disputes and expensive litigation, which together have hitherto oppressed our river-bed-agriculturists, will be ended. With these remarks, Sir, I now move for leave to introduce "The Punjab Riverain Boundaries Bill."

The motion was put and agreed to.

The Hon'ble MR. THORBURN introduced the Bill and, in doing so, said:—

"Your Honor,—I have already described the chief aim of the Bill, which I have now the honor to introduce. As explained in the "Statement of Objects and Reasons," it takes the form of an amendment to the Punjab Land Revenue Act, and so avoids the necessity for devising new machinery to carry out its provisions. Though the said Statement is very full, it seems advisable to note briefly the purport of each section. The Bill consists of four Sections, of which the first is formal. The second adds five Sections—101 A to E., inclusive—to Section 101 of the Punjab Land Revenue Act. Section 101 A, gives the Local Government the power to have a fixed boundary laid down between estates or portions of estates subject to river action, by the Collector or a Revenue Officer appointed for the purpose. Section 101 B, enacts that the boundary so demarcated shall be fixed and constant, any law, custom or order notwithstanding, provided that the rights of substantial value of trans-line holders shall be reserved to them by written order, unless and until such rights cease to be valuable. Section 101 C, provides an easy method by which a cis-line village may buy out the reserved rights of trans-line holders within its boundary. Section 101 D, determines all such reserved rights whenever transferred by private contract to any proprietor of a cis-line village. Section 101 E, subjects transferred rights in all land inside the fixed boundary to the incidents of tenure and liabilities of the estate to which the land has been transferred. The third Section of the Bill takes proceedings under it out of the jurisdiction of the Civil Courts. This is done by adding a clause to the twenty-three excluded matters enumerated under Section 158, Punjab Land Revenue Act. The fourth and last Section supplies the amendments to Sections 2 and 3 of Regulation XI of 1825, considered necessary to give effect to a fixed against a deep-stream or other customary boundary between estates subject to river action.

"The working of the above provisions will be somewhat as follows:—The Local Government having decided to what river or locality to apply the Act, will empower the Collector or a specially appointed Revenue Officer to lay down "a just and equitable" boundary, "with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein." With the help of the Settlement and professional-survey maps and other records, the Boundary Officer will have no difficulty in acquiring exact knowledge of river action during the last fifty years or so. He will thus be able to check and verify from authentic records all the information he will gather during his local inquiry from the proprietary of the villages concerned. After that he will be in a position to decide approximately the course of his equitable boundary. His line will, we may expect, have the full approval of all owners, whose immediate pecuniary interests are not adversely affected by it. The demarcation finished, he will, by written order, declare what trans-line plots on either side of his boundary are of substantial value, and the rights in them will not be transferred unless and until the land ceases to yield profits, or is acquired by the cis-line village privately by agreement, or compulsorily under Section 101 C. For Revenue and other administrative purposes, trans-line holders will be treated as restricted owners or *málikán kabza* in the cis-line village, and thus the fixed line will take effect at once.

"As the whole operation will be of a give-and-take character; as the Boundary Officer will be the impartial friend of all parties, and as the retention of isolated plots trans-line will be inconvenient for their holders, it is a reasonable assumption that during his proceedings the Boundary Officer will effect amicable exchanges between individual holders, with or without money compensation added. Should no private settlement be concluded, it will be open to cis-line villages to buy out the reserved rights of trans-line holders within their boundaries. The machinery for the purpose provided in Section 101 C of the Bill is very simple. The proprietary of the cis-line or acquiring village may apply, in order collectively, sectionally, or individually for the immediate expropriation of trans-line right-holders within their limits. Reasonable compensation will then be fixed, and, if deposited as prescribed, the transfer of possession will be effected as soon as the rabi crop has been harvested. If at any time a trans-line *málik kabza* transfers his holding privately to any proprietor or the cis-line village, all further action under the Act *ipso facto* ceases, its object *quâ* the plot transferred having been accomplished. After that any dispute as to pre-emption or other matter will be a question between the acquirer and the other proprietors of his village to be decided in accordance with the incidents of tenure of the village.

"With these remarks I proceed to move that the Bill now introduced be referred for report to a select committee consisting of (1) Mr. Madan Gopál, (2) Mr. Tupper, and (3) myself, as the Mover. I further beg to move that the Bill be published in three successive issues of the *Punjab Gazette* (English and Urdu), and be specially circulated for an expression of opinion thereon."

The Hon'ble MR. THORBURN moved that the Bill be referred to a select committee consisting of the Hon'ble Mr. Madan Gopál, the Hon'ble Mr. Tupper and the Hon'ble the Mover.

The Hon'ble MR. THORBURN further moved that the Bill and Statement of Objects and Reasons be published three times, in three successive issues of the *Punjab Government Gazette* (English and Urdu), and that the Bill be circulated for the purpose of eliciting opinion thereon.

The motions were put and agreed to.

The Council adjourned *sine die*.

LAHORE:
The 1st November, 1898.

E. W. PARKER,
Secretary to the Legislative Council of the Punjab.

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